

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 702

Representatives Holmes, A., Crossman

A BILL

To amend section 4141.01 and to enact sections
4123.392 and 5120.85 of the Revised Code to
create the reentry Ohio program and to make an
appropriation.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 4141.01 be amended and sections
4123.392 and 5120.85 of the Revised Code be enacted to read as
follows:

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Sec. 4123.392. (A) For purposes of this section, "reentry
Ohio program" means the reentry Ohio program created in section
5120.85 of the Revised Code.

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(B) Solely for the purpose of providing compensation and
benefits as set forth in this section, a participant in the
reentry Ohio program is an employee of the department of
rehabilitation and correction, and not an employee of the
private business employing the participant under the program.

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(C) A reentry Ohio program participant who suffers an
injury or contracts an occupational disease in the course of and
arising out of participation in the program is entitled to
compensation and benefits under this chapter.

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(D) (1) This chapter is the exclusive remedy for a reentry 20
Ohio program participant or the participant's dependents 21
resulting from the participant's injury or occupational disease 22
received in the course of and arising out of the participant's 23
participation in the program. Pursuant to section 4123.74 of the 24
Revised Code, neither the department nor the private business 25
employing the participant under the program shall be liable to 26
respond in damages at common law or by statute for any injury, 27
occupational disease, or bodily condition suffered or contracted 28
by a participant in the course of or arising out of 29
participation in the program. 30

(2) Notwithstanding division (D) (1) of this section, a 31
participant or the participant's dependents do not waive any 32
cause of action for an intentional tort under section 2745.01 of 33
the Revised Code against the department or the private business 34
employing the participant under the program. 35

(E) The department may include a reentry Ohio program 36
participant in its department workers' compensation coverage, or 37
may establish a separate workers' compensation coverage policy 38
with the bureau of workers' compensation upon the terms and 39
conditions for insurance to be established by the bureau 40
consistent with insurance principles, as is equitable in the 41
view of degree and hazard. 42

Sec. 4141.01. As used in this chapter, unless the context 43
otherwise requires: 44

(A) (1) "Employer" means the state, its instrumentalities, 45
its political subdivisions and their instrumentalities, Indian 46
tribes, and any individual or type of organization including any 47
partnership, limited liability company, association, trust, 48
estate, joint-stock company, insurance company, or corporation, 49

whether domestic or foreign, or the receiver, trustee in 50
bankruptcy, trustee, or the successor thereof, or the legal 51
representative of a deceased person who subsequent to December 52
31, 1971, or in the case of political subdivisions or their 53
instrumentalities, subsequent to December 31, 1973: 54

(a) Had in employment at least one individual, or in the 55
case of a nonprofit organization, subsequent to December 31, 56
1973, had not less than four individuals in employment for some 57
portion of a day in each of twenty different calendar weeks, in 58
either the current or the preceding calendar year whether or not 59
the same individual was in employment in each such day; or 60

(b) Except for a nonprofit organization, had paid for 61
service in employment wages of fifteen hundred dollars or more 62
in any calendar quarter in either the current or preceding 63
calendar year; or 64

(c) Had paid, subsequent to December 31, 1977, for 65
employment in domestic service in a local college club, or local 66
chapter of a college fraternity or sorority, cash remuneration 67
of one thousand dollars or more in any calendar quarter in the 68
current calendar year or the preceding calendar year, or had 69
paid subsequent to December 31, 1977, for employment in domestic 70
service in a private home cash remuneration of one thousand 71
dollars in any calendar quarter in the current calendar year or 72
the preceding calendar year: 73

(i) For the purposes of divisions (A)(1)(a) and (b) of 74
this section, there shall not be taken into account any wages 75
paid to, or employment of, an individual performing domestic 76
service as described in this division. 77

(ii) An employer under this division shall not be an 78

employer with respect to wages paid for any services other than 79
domestic service unless the employer is also found to be an 80
employer under division (A) (1) (a), (b), or (d) of this section. 81

(d) As a farm operator or a crew leader subsequent to 82
December 31, 1977, had in employment individuals in agricultural 83
labor; and 84

(i) During any calendar quarter in the current calendar 85
year or the preceding calendar year, paid cash remuneration of 86
twenty thousand dollars or more for the agricultural labor; or 87

(ii) Had at least ten individuals in employment in 88
agricultural labor, not including agricultural workers who are 89
aliens admitted to the United States to perform agricultural 90
labor pursuant to sections 1184(c) and 1101(a) (15) (H) of the 91
"Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A. 92
1101(a) (15) (H) (ii) (a), 1184(c), for some portion of a day in 93
each of the twenty different calendar weeks, in either the 94
current or preceding calendar year whether or not the same 95
individual was in employment in each day; or 96

(e) Is not otherwise an employer as defined under division 97
(A) (1) (a) or (b) of this section; and 98

(i) For which, within either the current or preceding 99
calendar year, service, except for domestic service in a private 100
home not covered under division (A) (1) (c) of this section, is or 101
was performed with respect to which such employer is liable for 102
any federal tax against which credit may be taken for 103
contributions required to be paid into a state unemployment 104
fund; 105

(ii) Which, as a condition for approval of this chapter 106
for full tax credit against the tax imposed by the "Federal 107

Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, 108
is required, pursuant to such act to be an employer under this 109
chapter; or 110

(iii) Who became an employer by election under division 111
(A) (4) or (5) of this section and for the duration of such 112
election; or 113

(f) In the case of the state, its instrumentalities, its 114
political subdivisions, and their instrumentalities, and Indian 115
tribes, had in employment, as defined in divisions (B) (2) (a) and 116
(B) (2) (1) of this section, at least one individual; 117

(g) For the purposes of division (A) (1) (a) of this 118
section, if any week includes both the thirty-first day of 119
December and the first day of January, the days of that week 120
before the first day of January shall be considered one calendar 121
week and the days beginning the first day of January another 122
week. 123

(2) Each individual employed to perform or to assist in 124
performing the work of any agent or employee of an employer is 125
employed by such employer for all the purposes of this chapter, 126
whether such individual was hired or paid directly by such 127
employer or by such agent or employee, provided the employer had 128
actual or constructive knowledge of the work. All individuals 129
performing services for an employer of any person in this state 130
who maintains two or more establishments within this state are 131
employed by a single employer for the purposes of this chapter. 132

(3) An employer subject to this chapter within any 133
calendar year is subject to this chapter during the whole of 134
such year and during the next succeeding calendar year. 135

(4) An employer not otherwise subject to this chapter who 136

files with the director of job and family services a written 137
election to become an employer subject to this chapter for not 138
less than two calendar years shall, with the written approval of 139
such election by the director, become an employer subject to 140
this chapter to the same extent as all other employers as of the 141
date stated in such approval, and shall cease to be subject to 142
this chapter as of the first day of January of any calendar year 143
subsequent to such two calendar years only if at least thirty 144
days prior to such first day of January the employer has filed 145
with the director a written notice to that effect. 146

(5) Any employer for whom services that do not constitute 147
employment are performed may file with the director a written 148
election that all such services performed by individuals in the 149
employer's employ in one or more distinct establishments or 150
places of business shall be deemed to constitute employment for 151
all the purposes of this chapter, for not less than two calendar 152
years. Upon written approval of the election by the director, 153
such services shall be deemed to constitute employment subject 154
to this chapter from and after the date stated in such approval. 155
Such services shall cease to be employment subject to this 156
chapter as of the first day of January of any calendar year 157
subsequent to such two calendar years only if at least thirty 158
days prior to such first day of January such employer has filed 159
with the director a written notice to that effect. 160

(6) "Employer" does not include a franchisor with respect 161
to the franchisor's relationship with a franchisee or an 162
employee of a franchisee, unless the franchisor agrees to assume 163
that role in writing or a court of competent jurisdiction 164
determines that the franchisor exercises a type or degree of 165
control over the franchisee or the franchisee's employees that 166
is not customarily exercised by a franchisor for the purpose of 167

protecting the franchisor's trademark, brand, or both. For 168
purposes of this division, "franchisor" and "franchisee" have 169
the same meanings as in 16 C.F.R. 436.1. 170

(B) (1) "Employment" means service performed by an 171
individual for remuneration under any contract of hire, written 172
or oral, express or implied, including service performed in 173
interstate commerce and service performed by an officer of a 174
corporation, without regard to whether such service is 175
executive, managerial, or manual in nature, and without regard 176
to whether such officer is a stockholder or a member of the 177
board of directors of the corporation, unless it is shown to the 178
satisfaction of the director that such individual has been and 179
will continue to be free from direction or control over the 180
performance of such service, both under a contract of service 181
and in fact. The director shall adopt rules to define "direction 182
or control." 183

(2) "Employment" includes: 184

(a) Service performed after December 31, 1977, by an 185
individual in the employ of the state or any of its 186
instrumentalities, or any political subdivision thereof or any 187
of its instrumentalities or any instrumentality of more than one 188
of the foregoing or any instrumentality of any of the foregoing 189
and one or more other states or political subdivisions and 190
without regard to divisions (A) (1) (a) and (b) of this section, 191
provided that such service is excluded from employment as 192
defined in the "Federal Unemployment Tax Act," 53 Stat. 183, 26 193
U.S.C.A. 3301, 3306(c) (7) and is not excluded under division (B) 194
(3) of this section; or the services of employees covered by 195
voluntary election, as provided under divisions (A) (4) and (5) 196
of this section; 197

(b) Service performed after December 31, 1971, by an 198
individual in the employ of a religious, charitable, 199
educational, or other organization which is excluded from the 200
term "employment" as defined in the "Federal Unemployment Tax 201
Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, solely by reason 202
of section 26 U.S.C.A. 3306(c)(8) of that act and is not 203
excluded under division (B)(3) of this section; 204

(c) Domestic service performed after December 31, 1977, 205
for an employer, as provided in division (A)(1)(c) of this 206
section; 207

(d) Agricultural labor performed after December 31, 1977, 208
for a farm operator or a crew leader, as provided in division 209
(A)(1)(d) of this section; 210

(e) Subject to division (B)(2)(m) of this section, service 211
not covered under division (B)(1) of this section which is 212
performed after December 31, 1971: 213

(i) As an agent-driver or commission-driver engaged in 214
distributing meat products, vegetable products, fruit products, 215
bakery products, beverages other than milk, laundry, or dry- 216
cleaning services, for the individual's employer or principal; 217

(ii) As a traveling or city salesperson, other than as an 218
agent-driver or commission-driver, engaged on a full-time basis 219
in the solicitation on behalf of and in the transmission to the 220
salesperson's employer or principal except for sideline sales 221
activities on behalf of some other person of orders from 222
wholesalers, retailers, contractors, or operators of hotels, 223
restaurants, or other similar establishments for merchandise for 224
resale, or supplies for use in their business operations, 225
provided that for the purposes of division (B)(2)(e)(ii) of this 226

section, the services shall be deemed employment if the contract 227
of service contemplates that substantially all of the services 228
are to be performed personally by the individual and that the 229
individual does not have a substantial investment in facilities 230
used in connection with the performance of the services other 231
than in facilities for transportation, and the services are not 232
in the nature of a single transaction that is not a part of a 233
continuing relationship with the person for whom the services 234
are performed. 235

(f) An individual's entire service performed within or 236
both within and without the state if: 237

(i) The service is localized in this state. 238

(ii) The service is not localized in any state, but some 239
of the service is performed in this state and either the base of 240
operations, or if there is no base of operations then the place 241
from which such service is directed or controlled, is in this 242
state or the base of operations or place from which such service 243
is directed or controlled is not in any state in which some part 244
of the service is performed but the individual's residence is in 245
this state. 246

(g) Service not covered under division (B) (2) (f) (ii) of 247
this section and performed entirely without this state, with 248
respect to no part of which contributions are required and paid 249
under an unemployment compensation law of any other state, the 250
Virgin Islands, Canada, or of the United States, if the 251
individual performing such service is a resident of this state 252
and the director approves the election of the employer for whom 253
such services are performed; or, if the individual is not a 254
resident of this state but the place from which the service is 255
directed or controlled is in this state, the entire services of 256

such individual shall be deemed to be employment subject to this 257
chapter, provided service is deemed to be localized within this 258
state if the service is performed entirely within this state or 259
if the service is performed both within and without this state 260
but the service performed without this state is incidental to 261
the individual's service within the state, for example, is 262
temporary or transitory in nature or consists of isolated 263
transactions; 264

(h) Service of an individual who is a citizen of the 265
United States, performed outside the United States except in 266
Canada after December 31, 1971, or the Virgin Islands, after 267
December 31, 1971, and before the first day of January of the 268
year following that in which the United States secretary of 269
labor approves the Virgin Islands law for the first time, in the 270
employ of an American employer, other than service which is 271
"employment" under divisions (B) (2) (f) and (g) of this section 272
or similar provisions of another state's law, if: 273

(i) The employer's principal place of business in the 274
United States is located in this state; 275

(ii) The employer has no place of business in the United 276
States, but the employer is an individual who is a resident of 277
this state; or the employer is a corporation which is organized 278
under the laws of this state, or the employer is a partnership 279
or a trust and the number of partners or trustees who are 280
residents of this state is greater than the number who are 281
residents of any other state; or 282

(iii) None of the criteria of divisions (B) (2) (f) (i) and 283
(ii) of this section is met but the employer has elected 284
coverage in this state or the employer having failed to elect 285
coverage in any state, the individual has filed a claim for 286

benefits, based on such service, under this chapter. 287

(i) For the purposes of division (B) (2) (h) of this 288
section, the term "American employer" means an employer who is 289
an individual who is a resident of the United States; or a 290
partnership, if two-thirds or more of the partners are residents 291
of the United States; or a trust, if all of the trustees are 292
residents of the United States; or a corporation organized under 293
the laws of the United States or of any state, provided the term 294
"United States" includes the states, the District of Columbia, 295
the Commonwealth of Puerto Rico, and the Virgin Islands. 296

(j) Notwithstanding any other provisions of divisions (B) 297
(1) and (2) of this section, service, except for domestic 298
service in a private home not covered under division (A) (1) (c) 299
of this section, with respect to which a tax is required to be 300
paid under any federal law imposing a tax against which credit 301
may be taken for contributions required to be paid into a state 302
unemployment fund, or service, except for domestic service in a 303
private home not covered under division (A) (1) (c) of this 304
section, which, as a condition for full tax credit against the 305
tax imposed by the "Federal Unemployment Tax Act," 84 Stat. 713, 306
26 U.S.C.A. 3301 to 3311, is required to be covered under this 307
chapter. 308

(k) Construction services performed by any individual 309
under a construction contract, as defined in section 4141.39 of 310
the Revised Code, if the director determines that the employer 311
for whom services are performed has the right to direct or 312
control the performance of the services and that the individuals 313
who perform the services receive remuneration for the services 314
performed. The director shall presume that the employer for whom 315
services are performed has the right to direct or control the 316

performance of the services if ten or more of the following 317
criteria apply: 318

(i) The employer directs or controls the manner or method 319
by which instructions are given to the individual performing 320
services; 321

(ii) The employer requires particular training for the 322
individual performing services; 323

(iii) Services performed by the individual are integrated 324
into the regular functioning of the employer; 325

(iv) The employer requires that services be provided by a 326
particular individual; 327

(v) The employer hires, supervises, or pays the wages of 328
the individual performing services; 329

(vi) A continuing relationship between the employer and 330
the individual performing services exists which contemplates 331
continuing or recurring work, even if not full-time work; 332

(vii) The employer requires the individual to perform 333
services during established hours; 334

(viii) The employer requires that the individual 335
performing services be devoted on a full-time basis to the 336
business of the employer; 337

(ix) The employer requires the individual to perform 338
services on the employer's premises; 339

(x) The employer requires the individual performing 340
services to follow the order of work established by the 341
employer; 342

(xi) The employer requires the individual performing 343

services to make oral or written reports of progress; 344

(xii) The employer makes payment to the individual for 345
services on a regular basis, such as hourly, weekly, or monthly; 346

(xiii) The employer pays expenses for the individual 347
performing services; 348

(xiv) The employer furnishes the tools and materials for 349
use by the individual to perform services; 350

(xv) The individual performing services has not invested 351
in the facilities used to perform services; 352

(xvi) The individual performing services does not realize 353
a profit or suffer a loss as a result of the performance of the 354
services; 355

(xvii) The individual performing services is not 356
performing services for more than two employers simultaneously; 357

(xviii) The individual performing services does not make 358
the services available to the general public; 359

(xix) The employer has a right to discharge the individual 360
performing services; 361

(xx) The individual performing services has the right to 362
end the individual's relationship with the employer without 363
incurring liability pursuant to an employment contract or 364
agreement. 365

(1) Service performed by an individual in the employ of an 366
Indian tribe as defined by section 4(e) of the "Indian Self- 367
Determination and Education Assistance Act," 88 Stat. 2204 368
(1975), 25 U.S.C.A. 450b(e), including any subdivision, 369
subsidiary, or business enterprise wholly owned by an Indian 370

tribe provided that the service is excluded from employment as 371
defined in the "Federal Unemployment Tax Act," 53 Stat. 183 372
(1939), 26 U.S.C.A. 3301 and 3306(c)(7) and is not excluded 373
under division (B)(3) of this section. 374

(m) Service performed by an individual for or on behalf of 375
a motor carrier transporting property as an operator of a 376
vehicle or vessel, unless all of the following factors apply to 377
the individual and the motor carrier has not elected to consider 378
the individual's service as employment: 379

(i) The individual owns the vehicle or vessel that is used 380
in performing the services for or on behalf of the carrier, or 381
the individual leases the vehicle or vessel under a bona fide 382
lease agreement that is not a temporary replacement lease 383
agreement. For purposes of this division, a bona fide lease 384
agreement does not include an agreement between the individual 385
and the motor carrier transporting property for which, or on 386
whose behalf, the individual provides services. 387

(ii) The individual is responsible for supplying the 388
necessary personal services to operate the vehicle or vessel 389
used to provide the service. 390

(iii) The compensation paid to the individual is based on 391
factors related to work performed, including on a mileage-based 392
rate or a percentage of any schedule of rates, and not solely on 393
the basis of the hours or time expended. 394

(iv) The individual substantially controls the means and 395
manner of performing the services, in conformance with 396
regulatory requirements and specifications of the shipper. 397

(v) The individual enters into a written contract with the 398
carrier for whom the individual is performing the services that 399

describes the relationship between the individual and the 400
carrier to be that of an independent contractor and not that of 401
an employee. 402

(vi) The individual is responsible for substantially all 403
of the principal operating costs of the vehicle or vessel and 404
equipment used to provide the services, including maintenance, 405
fuel, repairs, supplies, vehicle or vessel insurance, and 406
personal expenses, except that the individual may be paid by the 407
carrier the carrier's fuel surcharge and incidental costs, 408
including tolls, permits, and lump sum fees. 409

(vii) The individual is responsible for any economic loss 410
or economic gain from the arrangement with the carrier. 411

(viii) The individual is not performing services described 412
in 26 U.S.C. 3306(c) (7) or (8). 413

(3) "Employment" does not include the following services 414
if they are found not subject to the "Federal Unemployment Tax 415
Act," 84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the 416
services are not required to be included under division (B) (2) 417
(j) of this section: 418

(a) Service performed after December 31, 1977, in 419
agricultural labor, except as provided in division (A) (1) (d) of 420
this section; 421

(b) Domestic service performed after December 31, 1977, in 422
a private home, local college club, or local chapter of a 423
college fraternity or sorority except as provided in division 424
(A) (1) (c) of this section; 425

(c) Service performed after December 31, 1977, for this 426
state or a political subdivision as described in division (B) (2) 427
(a) of this section when performed: 428

- (i) As a publicly elected official; 429
- (ii) As a member of a legislative body, or a member of the 430
judiciary; 431
- (iii) As a military member of the Ohio national guard; 432
- (iv) As an employee, not in the classified service as 433
defined in section 124.11 of the Revised Code, serving on a 434
temporary basis in case of fire, storm, snow, earthquake, flood, 435
or similar emergency; 436
- (v) In a position which, under or pursuant to law, is 437
designated as a major nontenured policymaking or advisory 438
position, not in the classified service of the state, or a 439
policymaking or advisory position the performance of the duties 440
of which ordinarily does not require more than eight hours per 441
week. 442
- (d) In the employ of any governmental unit or 443
instrumentality of the United States; 444
- (e) Service performed after December 31, 1971: 445
- (i) Service in the employ of an educational institution or 446
institution of higher education, including those operated by the 447
state or a political subdivision, if such service is performed 448
by a student who is enrolled and is regularly attending classes 449
at the educational institution or institution of higher 450
education; or 451
- (ii) By an individual who is enrolled at a nonprofit or 452
public educational institution which normally maintains a 453
regular faculty and curriculum and normally has a regularly 454
organized body of students in attendance at the place where its 455
educational activities are carried on as a student in a full- 456

time program, taken for credit at the institution, which 457
combines academic instruction with work experience, if the 458
service is an integral part of the program, and the institution 459
has so certified to the employer, provided that this subdivision 460
shall not apply to service performed in a program established 461
for or on behalf of an employer or group of employers. 462

(f) Service performed by an individual in the employ of 463
the individual's son, daughter, or spouse and service performed 464
by a child under the age of eighteen in the employ of the 465
child's father or mother; 466

(g) Service performed for one or more principals by an 467
individual who is compensated on a commission basis, who in the 468
performance of the work is master of the individual's own time 469
and efforts, and whose remuneration is wholly dependent on the 470
amount of effort the individual chooses to expend, and which 471
service is not subject to the "Federal Unemployment Tax Act," 53 472
Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service performed 473
after December 31, 1971: 474

(i) By an individual for an employer as an insurance agent 475
or as an insurance solicitor, if all this service is performed 476
for remuneration solely by way of commission; 477

(ii) As a home worker performing work, according to 478
specifications furnished by the employer for whom the services 479
are performed, on materials or goods furnished by such employer 480
which are required to be returned to the employer or to a person 481
designated for that purpose. 482

(h) Service performed after December 31, 1971: 483

(i) In the employ of a church or convention or association 484
of churches, or in an organization which is operated primarily 485

for religious purposes and which is operated, supervised, 486
controlled, or principally supported by a church or convention 487
or association of churches; 488

(ii) By a duly ordained, commissioned, or licensed 489
minister of a church in the exercise of the individual's 490
ministry or by a member of a religious order in the exercise of 491
duties required by such order; or 492

(iii) In a facility conducted for the purpose of carrying 493
out a program of rehabilitation for individuals whose earning 494
capacity is impaired by age or physical or mental deficiency or 495
injury, or providing remunerative work for individuals who 496
because of their impaired physical or mental capacity cannot be 497
readily absorbed in the competitive labor market, by an 498
individual receiving such rehabilitation or remunerative work. 499

(i) Service performed after June 30, 1939, with respect to 500
which unemployment compensation is payable under the "Railroad 501
Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 502
351; 503

(j) Service performed by an individual in the employ of 504
any organization exempt from income tax under section 501 of the 505
"Internal Revenue Code of 1954," if the remuneration for such 506
service does not exceed fifty dollars in any calendar quarter, 507
or if such service is in connection with the collection of dues 508
or premiums for a fraternal beneficial society, order, or 509
association and is performed away from the home office or is 510
ritualistic service in connection with any such society, order, 511
or association; 512

(k) Casual labor not in the course of an employer's trade 513
or business; incidental service performed by an officer, 514

appraiser, or member of a finance committee of a bank, building 515
and loan association, savings and loan association, or savings 516
association when the remuneration for such incidental service 517
exclusive of the amount paid or allotted for directors' fees 518
does not exceed sixty dollars per calendar quarter is casual 519
labor; 520

(l) Service performed in the employ of a voluntary 521
employees' beneficial association providing for the payment of 522
life, sickness, accident, or other benefits to the members of 523
such association or their dependents or their designated 524
beneficiaries, if admission to a membership in such association 525
is limited to individuals who are officers or employees of a 526
municipal or public corporation, of a political subdivision of 527
the state, or of the United States and no part of the net 528
earnings of such association inures, other than through such 529
payments, to the benefit of any private shareholder or 530
individual; 531

(m) Service performed by an individual in the employ of a 532
foreign government, including service as a consular or other 533
officer or employee or of a nondiplomatic representative; 534

(n) Service performed in the employ of an instrumentality 535
wholly owned by a foreign government if the service is of a 536
character similar to that performed in foreign countries by 537
employees of the United States or of an instrumentality thereof 538
and if the director finds that the secretary of state of the 539
United States has certified to the secretary of the treasury of 540
the United States that the foreign government, with respect to 541
whose instrumentality exemption is claimed, grants an equivalent 542
exemption with respect to similar service performed in the 543
foreign country by employees of the United States and of 544

instrumentalities thereof; 545

(o) Service with respect to which unemployment 546
compensation is payable under an unemployment compensation 547
system established by an act of congress; 548

(p) Service performed as a student nurse in the employ of 549
a hospital or a nurses' training school by an individual who is 550
enrolled and is regularly attending classes in a nurses' 551
training school chartered or approved pursuant to state law, and 552
service performed as an intern in the employ of a hospital by an 553
individual who has completed a four years' course in a medical 554
school chartered or approved pursuant to state law; 555

(q) Service performed by an individual under the age of 556
eighteen in the delivery or distribution of newspapers or 557
shopping news, not including delivery or distribution to any 558
point for subsequent delivery or distribution; 559

(r) Service performed in the employ of the United States 560
or an instrumentality of the United States immune under the 561
Constitution of the United States from the contributions imposed 562
by this chapter, except that to the extent that congress permits 563
states to require any instrumentalities of the United States to 564
make payments into an unemployment fund under a state 565
unemployment compensation act, this chapter shall be applicable 566
to such instrumentalities and to services performed for such 567
instrumentalities in the same manner, to the same extent, and on 568
the same terms as to all other employers, individuals, and 569
services, provided that if this state is not certified for any 570
year by the proper agency of the United States under section 571
3304 of the "Internal Revenue Code of 1954," the payments 572
required of such instrumentalities with respect to such year 573
shall be refunded by the director from the fund in the same 574

manner and within the same period as is provided in division (E) 575
of section 4141.09 of the Revised Code with respect to 576
contributions erroneously collected; 577

(s) Service performed by an individual as a member of a 578
band or orchestra, provided such service does not represent the 579
principal occupation of such individual, and which service is 580
not subject to or required to be covered for full tax credit 581
against the tax imposed by the "Federal Unemployment Tax Act," 582
53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. 583

(t) Service performed in the employ of a day camp whose 584
camping season does not exceed twelve weeks in any calendar 585
year, and which service is not subject to the "Federal 586
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 587
3311. Service performed after December 31, 1971: 588

(i) In the employ of a hospital, if the service is 589
performed by a patient of the hospital, as defined in division 590
(W) of this section; 591

(ii) For a prison or other correctional institution by an 592
inmate of the prison or correctional institution; 593

(iii) Service performed after December 31, 1977, by an 594
inmate of a custodial institution operated by the state, a 595
political subdivision, or a nonprofit organization. 596

(u) Service that is performed by a nonresident alien 597
individual for the period the individual temporarily is present 598
in the United States as a nonimmigrant under division (F), (J), 599
(M), or (Q) of section 101(a)(15) of the "Immigration and 600
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, 601
that is excluded under section 3306(c)(19) of the "Federal 602
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 603

3311. 604

(v) Notwithstanding any other provisions of division (B) 605
(3) of this section, services that are excluded under divisions 606
(B)(3)(g), (j), (k), and (l) of this section shall not be 607
excluded from employment when performed for a nonprofit 608
organization, as defined in division (X) of this section, or for 609
this state or its instrumentalities, or for a political 610
subdivision or its instrumentalities or for Indian tribes; 611

(w) Service that is performed by an individual working as 612
an election official or election worker if the amount of 613
remuneration received by the individual during the calendar year 614
for services as an election official or election worker is less 615
than one thousand dollars; 616

(x) Service performed for an elementary or secondary 617
school that is operated primarily for religious purposes, that 618
is described in subsection 501(c)(3) and exempt from federal 619
income taxation under subsection 501(a) of the Internal Revenue 620
Code, 26 U.S.C.A. 501; 621

(y) Service performed by a person committed to a penal 622
institution. 623

(z) Service performed for an Indian tribe as described in 624
division (B)(2)(1) of this section when performed in any of the 625
following manners: 626

(i) As a publicly elected official; 627

(ii) As a member of an Indian tribal council; 628

(iii) As a member of a legislative or judiciary body; 629

(iv) In a position which, pursuant to Indian tribal law, 630
is designated as a major nontenured policymaking or advisory 631

position, or a policymaking or advisory position where the 632
performance of the duties ordinarily does not require more than 633
eight hours of time per week; 634

(v) As an employee serving on a temporary basis in the 635
case of a fire, storm, snow, earthquake, flood, or similar 636
emergency. 637

(aa) Service performed after December 31, 1971, for a 638
nonprofit organization, this state or its instrumentalities, a 639
political subdivision or its instrumentalities, or an Indian 640
tribe as part of an unemployment work-relief or work-training 641
program assisted or financed in whole or in part by any federal 642
agency or an agency of a state or political subdivision, 643
thereof, by an individual receiving the work-relief or work- 644
training. 645

(bb) Participation in a learn to earn program as defined 646
in section 4141.293 of the Revised Code. 647

(cc) Participation in the reentry Ohio program as defined 648
in section 5120.85 of the Revised Code. 649

(4) If the services performed during one half or more of 650
any pay period by an employee for the person employing that 651
employee constitute employment, all the services of such 652
employee for such period shall be deemed to be employment; but 653
if the services performed during more than one half of any such 654
pay period by an employee for the person employing that employee 655
do not constitute employment, then none of the services of such 656
employee for such period shall be deemed to be employment. As 657
used in division (B) (4) of this section, "pay period" means a 658
period, of not more than thirty-one consecutive days, for which 659
payment of remuneration is ordinarily made to the employee by 660

the person employing that employee. Division (B) (4) of this 661
section does not apply to services performed in a pay period by 662
an employee for the person employing that employee, if any of 663
such service is excepted by division (B) (3) (o) of this section. 664

(C) "Benefits" means money payments payable to an 665
individual who has established benefit rights, as provided in 666
this chapter, for loss of remuneration due to the individual's 667
unemployment. 668

(D) "Benefit rights" means the weekly benefit amount and 669
the maximum benefit amount that may become payable to an 670
individual within the individual's benefit year as determined by 671
the director. 672

(E) "Claim for benefits" means a claim for waiting period 673
or benefits for a designated week. 674

(F) "Additional claim" means the first claim for benefits 675
filed following any separation from employment during a benefit 676
year; "continued claim" means any claim other than the first 677
claim for benefits and other than an additional claim. 678

(G) "Wages" means remuneration paid to an employee by each 679
of the employee's employers with respect to employment; except 680
that wages shall not include that part of remuneration paid 681
during any calendar year to an individual by an employer or such 682
employer's predecessor in interest in the same business or 683
enterprise, which in any calendar year is in excess of nine 684
thousand dollars on and after January 1, 1995; nine thousand 685
five hundred dollars on and after January 1, 2018; and nine 686
thousand dollars on and after January 1, 2020. Remuneration in 687
excess of such amounts shall be deemed wages subject to 688
contribution to the same extent that such remuneration is 689

defined as wages under the "Federal Unemployment Tax Act," 84 690
Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as amended. The 691
remuneration paid an employee by an employer with respect to 692
employment in another state, upon which contributions were 693
required and paid by such employer under the unemployment 694
compensation act of such other state, shall be included as a 695
part of remuneration in computing the amount specified in this 696
division. 697

(H) (1) "Remuneration" means all compensation for personal 698
services, including commissions and bonuses and the cash value 699
of all compensation in any medium other than cash, except that 700
in the case of agricultural or domestic service, "remuneration" 701
includes only cash remuneration. Gratuities customarily received 702
by an individual in the course of the individual's employment 703
from persons other than the individual's employer and which are 704
accounted for by such individual to the individual's employer 705
are taxable wages. 706

The reasonable cash value of compensation paid in any 707
medium other than cash shall be estimated and determined in 708
accordance with rules prescribed by the director, provided that 709
"remuneration" does not include: 710

(a) Payments as provided in divisions (b) (2) to (b) (20) of 711
section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 712
713, 26 U.S.C.A. 3301 to 3311, as amended; 713

(b) The payment by an employer, without deduction from the 714
remuneration of the individual in the employer's employ, of the 715
tax imposed upon an individual in the employer's employ under 716
section 3101 of the "Internal Revenue Code of 1954," with 717
respect to services performed after October 1, 1941. 718

(2) "Cash remuneration" means all remuneration paid in 719
cash, including commissions and bonuses, but not including the 720
cash value of all compensation in any medium other than cash. 721

(I) "Interested party" means the director and any party to 722
whom notice of a determination of an application for benefit 723
rights or a claim for benefits is required to be given under 724
section 4141.28 of the Revised Code. 725

(J) "Annual payroll" means the total amount of wages 726
subject to contributions during a twelve-month period ending 727
with the last day of the second calendar quarter of any calendar 728
year. 729

(K) "Average annual payroll" means the average of the last 730
three annual payrolls of an employer, provided that if, as of 731
any computation date, the employer has had less than three 732
annual payrolls in such three-year period, such average shall be 733
based on the annual payrolls which the employer has had as of 734
such date. 735

(L) (1) "Contributions" means the money payments to the 736
state unemployment compensation fund required of employers by 737
section 4141.25 of the Revised Code and of the state and any of 738
its political subdivisions electing to pay contributions under 739
section 4141.242 of the Revised Code. Employers paying 740
contributions shall be described as "contributory employers." 741

(2) "Payments in lieu of contributions" means the money 742
payments to the state unemployment compensation fund required of 743
reimbursing employers under sections 4141.241 and 4141.242 of 744
the Revised Code. 745

(M) An individual is "totally unemployed" in any week 746
during which the individual performs no services and with 747

respect to such week no remuneration is payable to the 748
individual. 749

(N) An individual is "partially unemployed" in any week 750
if, due to involuntary loss of work, the total remuneration 751
payable to the individual for such week is less than the 752
individual's weekly benefit amount. 753

(O) "Week" means the calendar week ending at midnight 754
Saturday unless an equivalent week of seven consecutive calendar 755
days is prescribed by the director. 756

(1) "Qualifying week" means any calendar week in an 757
individual's base period with respect to which the individual 758
earns or is paid remuneration in employment subject to this 759
chapter. A calendar week with respect to which an individual 760
earns remuneration but for which payment was not made within the 761
base period, when necessary to qualify for benefit rights, may 762
be considered to be a qualifying week. The number of qualifying 763
weeks which may be established in a calendar quarter shall not 764
exceed the number of calendar weeks in the quarter. 765

(2) "Average weekly wage" means the amount obtained by 766
dividing an individual's total remuneration for all qualifying 767
weeks during the base period by the number of such qualifying 768
weeks, provided that if the computation results in an amount 769
that is not a multiple of one dollar, such amount shall be 770
rounded to the next lower multiple of one dollar. 771

(P) "Weekly benefit amount" means the amount of benefits 772
an individual would be entitled to receive for one week of total 773
unemployment. 774

(Q) (1) "Base period" means the first four of the last five 775
completed calendar quarters immediately preceding the first day 776

of an individual's benefit year, except as provided in division 777
(Q) (2) of this section. 778

(2) If an individual does not have sufficient qualifying 779
weeks and wages in the base period to qualify for benefit 780
rights, the individual's base period shall be the four most 781
recently completed calendar quarters preceding the first day of 782
the individual's benefit year. Such base period shall be known 783
as the "alternate base period." If information as to weeks and 784
wages for the most recent quarter of the alternate base period 785
is not available to the director from the regular quarterly 786
reports of wage information, which are systematically 787
accessible, the director may, consistent with the provisions of 788
section 4141.28 of the Revised Code, base the determination of 789
eligibility for benefits on the affidavit of the claimant with 790
respect to weeks and wages for that calendar quarter. The 791
claimant shall furnish payroll documentation, where available, 792
in support of the affidavit. The determination based upon the 793
alternate base period as it relates to the claimant's benefit 794
rights, shall be amended when the quarterly report of wage 795
information from the employer is timely received and that 796
information causes a change in the determination. As provided in 797
division (B) of section 4141.28 of the Revised Code, any 798
benefits paid and charged to an employer's account, based upon a 799
claimant's affidavit, shall be adjusted effective as of the 800
beginning of the claimant's benefit year. No calendar quarter in 801
a base period or alternate base period shall be used to 802
establish a subsequent benefit year. 803

(3) The "base period" of a combined wage claim, as 804
described in division (H) of section 4141.43 of the Revised 805
Code, shall be the base period prescribed by the law of the 806
state in which the claim is allowed. 807

(4) For purposes of determining the weeks that comprise a 808
completed calendar quarter under this division, only those weeks 809
ending at midnight Saturday within the calendar quarter shall be 810
utilized. 811

(R) (1) "Benefit year" with respect to an individual means 812
the fifty-two week period beginning with the first day of that 813
week with respect to which the individual first files a valid 814
application for determination of benefit rights, and thereafter 815
the fifty-two week period beginning with the first day of that 816
week with respect to which the individual next files a valid 817
application for determination of benefit rights after the 818
termination of the individual's last preceding benefit year, 819
except that the application shall not be considered valid unless 820
the individual has had employment in six weeks that is subject 821
to this chapter or the unemployment compensation act of another 822
state, or the United States, and has, since the beginning of the 823
individual's previous benefit year, in the employment earned 824
three times the average weekly wage determined for the previous 825
benefit year. The "benefit year" of a combined wage claim, as 826
described in division (H) of section 4141.43 of the Revised 827
Code, shall be the benefit year prescribed by the law of the 828
state in which the claim is allowed. Any application for 829
determination of benefit rights made in accordance with section 830
4141.28 of the Revised Code is valid if the individual filing 831
such application is unemployed, has been employed by an employer 832
or employers subject to this chapter in at least twenty 833
qualifying weeks within the individual's base period, and has 834
earned or been paid remuneration at an average weekly wage of 835
not less than twenty-seven and one-half per cent of the 836
statewide average weekly wage for such weeks. For purposes of 837
determining whether an individual has had sufficient employment 838

since the beginning of the individual's previous benefit year to 839
file a valid application, "employment" means the performance of 840
services for which remuneration is payable. 841

(2) Effective for benefit years beginning on and after 842
December 26, 2004, any application for determination of benefit 843
rights made in accordance with section 4141.28 of the Revised 844
Code is valid if the individual satisfies the criteria described 845
in division (R) (1) of this section, and if the reason for the 846
individual's separation from employment is not disqualifying 847
pursuant to division (D) (2) of section 4141.29 or section 848
4141.291 of the Revised Code. A disqualification imposed 849
pursuant to division (D) (2) of section 4141.29 or section 850
4141.291 of the Revised Code must be removed as provided in 851
those sections as a requirement of establishing a valid 852
application for benefit years beginning on and after December 853
26, 2004. 854

(3) The statewide average weekly wage shall be calculated 855
by the director once a year based on the twelve-month period 856
ending the thirtieth day of June, as set forth in division (B) 857
(3) of section 4141.30 of the Revised Code, rounded down to the 858
nearest dollar. Increases or decreases in the amount of 859
remuneration required to have been earned or paid in order for 860
individuals to have filed valid applications shall become 861
effective on Sunday of the calendar week in which the first day 862
of January occurs that follows the twelve-month period ending 863
the thirtieth day of June upon which the calculation of the 864
statewide average weekly wage was based. 865

(4) As used in this division, an individual is 866
"unemployed" if, with respect to the calendar week in which such 867
application is filed, the individual is "partially unemployed" 868

or "totally unemployed" as defined in this section or if, prior 869
to filing the application, the individual was separated from the 870
individual's most recent work for any reason which terminated 871
the individual's employee-employer relationship, or was laid off 872
indefinitely or for a definite period of seven or more days. 873

(S) "Calendar quarter" means the period of three 874
consecutive calendar months ending on the thirty-first day of 875
March, the thirtieth day of June, the thirtieth day of 876
September, and the thirty-first day of December, or the 877
equivalent thereof as the director prescribes by rule. 878

(T) "Computation date" means the first day of the third 879
calendar quarter of any calendar year. 880

(U) "Contribution period" means the calendar year 881
beginning on the first day of January of any year. 882

(V) "Agricultural labor," for the purpose of this 883
division, means any service performed prior to January 1, 1972, 884
which was agricultural labor as defined in this division prior 885
to that date, and service performed after December 31, 1971: 886

(1) On a farm, in the employ of any person, in connection 887
with cultivating the soil, or in connection with raising or 888
harvesting any agricultural or horticultural commodity, 889
including the raising, shearing, feeding, caring for, training, 890
and management of livestock, bees, poultry, and fur-bearing 891
animals and wildlife; 892

(2) In the employ of the owner or tenant or other operator 893
of a farm in connection with the operation, management, 894
conservation, improvement, or maintenance of such farm and its 895
tools and equipment, or in salvaging timber or clearing land of 896
brush and other debris left by hurricane, if the major part of 897

such service is performed on a farm; 898

(3) In connection with the production or harvesting of any 899
commodity defined as an agricultural commodity in section 15 (g) 900
of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 901
U.S.C. 1141j, as amended, or in connection with the ginning of 902
cotton, or in connection with the operation or maintenance of 903
ditches, canals, reservoirs, or waterways, not owned or operated 904
for profit, used exclusively for supplying and storing water for 905
farming purposes; 906

(4) In the employ of the operator of a farm in handling, 907
planting, drying, packing, packaging, processing, freezing, 908
grading, storing, or delivering to storage or to market or to a 909
carrier for transportation to market, in its unmanufactured 910
state, any agricultural or horticultural commodity, but only if 911
the operator produced more than one half of the commodity with 912
respect to which such service is performed; 913

(5) In the employ of a group of operators of farms, or a 914
cooperative organization of which the operators are members, in 915
the performance of service described in division (V) (4) of this 916
section, but only if the operators produced more than one-half 917
of the commodity with respect to which the service is performed; 918

(6) Divisions (V) (4) and (5) of this section shall not be 919
deemed to be applicable with respect to service performed: 920

(a) In connection with commercial canning or commercial 921
freezing or in connection with any agricultural or horticultural 922
commodity after its delivery to a terminal market for 923
distribution for consumption; or 924

(b) On a farm operated for profit if the service is not in 925
the course of the employer's trade or business. 926

As used in division (V) of this section, "farm" includes 927
stock, dairy, poultry, fruit, fur-bearing animal, and truck 928
farms, plantations, ranches, nurseries, ranges, greenhouses, or 929
other similar structures used primarily for the raising of 930
agricultural or horticultural commodities and orchards. 931

(W) "Hospital" means an institution which has been 932
registered or licensed by the Ohio department of health as a 933
hospital. 934

(X) "Nonprofit organization" means an organization, or 935
group of organizations, described in section 501(c)(3) of the 936
"Internal Revenue Code of 1954," and exempt from income tax 937
under section 501(a) of that code. 938

(Y) "Institution of higher education" means a public or 939
nonprofit educational institution, including an educational 940
institution operated by an Indian tribe, which: 941

(1) Admits as regular students only individuals having a 942
certificate of graduation from a high school, or the recognized 943
equivalent; 944

(2) Is legally authorized in this state or by the Indian 945
tribe to provide a program of education beyond high school; and 946

(3) Provides an educational program for which it awards a 947
bachelor's or higher degree, or provides a program which is 948
acceptable for full credit toward such a degree, a program of 949
post-graduate or post-doctoral studies, or a program of training 950
to prepare students for gainful employment in a recognized 951
occupation. 952

For the purposes of this division, all colleges and 953
universities in this state are institutions of higher education. 954

(Z) For the purposes of this chapter, "states" includes 955
the District of Columbia, the Commonwealth of Puerto Rico, and 956
the Virgin Islands. 957

(AA) "Alien" means, for the purposes of division (A) (1) (d) 958
of this section, an individual who is an alien admitted to the 959
United States to perform service in agricultural labor pursuant 960
to sections 214 (c) and 101 (a) (15) (H) of the "Immigration and 961
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101. 962

(BB) (1) "Crew leader" means an individual who furnishes 963
individuals to perform agricultural labor for any other employer 964
or farm operator, and: 965

(a) Pays, either on the individual's own behalf or on 966
behalf of the other employer or farm operator, the individuals 967
so furnished by the individual for the service in agricultural 968
labor performed by them; 969

(b) Has not entered into a written agreement with the 970
other employer or farm operator under which the agricultural 971
worker is designated as in the employ of the other employer or 972
farm operator. 973

(2) For the purposes of this chapter, any individual who 974
is a member of a crew furnished by a crew leader to perform 975
service in agricultural labor for any other employer or farm 976
operator shall be treated as an employee of the crew leader if: 977

(a) The crew leader holds a valid certificate of 978
registration under the "Farm Labor Contractor Registration Act 979
of 1963," 90 Stat. 2668, 7 U.S.C. 2041; or 980

(b) Substantially all the members of the crew operate or 981
maintain tractors, mechanized harvesting or crop-dusting 982
equipment, or any other mechanized equipment, which is provided 983

by the crew leader; and 984

(c) If the individual is not in the employment of the 985
other employer or farm operator within the meaning of division 986
(B) (1) of this section. 987

(3) For the purposes of this division, any individual who 988
is furnished by a crew leader to perform service in agricultural 989
labor for any other employer or farm operator and who is not 990
treated as in the employment of the crew leader under division 991
(BB) (2) of this section shall be treated as the employee of the 992
other employer or farm operator and not of the crew leader. The 993
other employer or farm operator shall be treated as having paid 994
cash remuneration to the individual in an amount equal to the 995
amount of cash remuneration paid to the individual by the crew 996
leader, either on the crew leader's own behalf or on behalf of 997
the other employer or farm operator, for the service in 998
agricultural labor performed for the other employer or farm 999
operator. 1000

(CC) "Educational institution" means an institution other 1001
than an institution of higher education as defined in division 1002
(Y) of this section, including an educational institution 1003
operated by an Indian tribe, which: 1004

(1) Offers participants, trainees, or students an 1005
organized course of study or training designed to transfer to 1006
them knowledge, skills, information, doctrines, attitudes, or 1007
abilities from, by, or under the guidance of an instructor or 1008
teacher; and 1009

(2) Is approved, chartered, or issued a permit to operate 1010
as a school by the state board of education, other government 1011
agency, or Indian tribe that is authorized within the state to 1012

approve, charter, or issue a permit for the operation of a 1013
school. 1014

For the purposes of this division, the courses of study or 1015
training which the institution offers may be academic, 1016
technical, trade, or preparation for gainful employment in a 1017
recognized occupation. 1018

(DD) "Cost savings day" means any unpaid day off from work 1019
in which employees continue to accrue employee benefits which 1020
have a determinable value including, but not limited to, 1021
vacation, pension contribution, sick time, and life and health 1022
insurance. 1023

(EE) "Motor carrier" has the same meaning as in section 1024
4923.01 of the Revised Code. 1025

Sec. 5120.85. (A) There is hereby created in the state 1026
treasury the reentry Ohio program fund. The fund shall consist 1027
of any money appropriated to the fund by the general assembly or 1028
donated to the fund. Any interest on the fund shall be credited 1029
to the fund. The director of rehabilitation and correction shall 1030
use the money in the fund in accordance with this section to 1031
provide grants under the reentry Ohio program to employers in 1032
the state to reimburse those employers for one-half the cost of 1033
employing ex-offenders in positions that are suitable, 1034
affordable, and likely to aid in the ex-offender's transition 1035
and successful avoidance of future crime and to provide housing 1036
for ex-offenders participating in the employment program under 1037
this section. 1038

(B) To apply for a grant from the reentry Ohio program, an 1039
employer must demonstrate all of the following in an application 1040
form approved by the department of rehabilitation and 1041

correction: 1042

(1) That the employer will employ ex-offenders as program 1043
participants for at least two years, unless the employer 1044
terminates the employment of those ex-offenders for just cause; 1045

(2) That the employer will employ a sufficient number of 1046
ex-offenders as program participants to ensure that fifty per 1047
cent of employees in the employer's workforce are program 1048
participants; 1049

(3) That the employer will employ a sufficient number of 1050
ex-offenders as program participants to ensure that at least 1051
five of the employer's employees are program participants; 1052

(4) That employment opportunities made available by the 1053
employer under the program will be suitable and will offer 1054
program participants transferable skills capable of preparing 1055
participants to compete for high-paying jobs after they have 1056
completed two years of employment under the program; 1057

(5) That employment opportunities with the employer are 1058
likely to aid program participants in transition and successful 1059
avoidance of further crime; 1060

(6) That any goods to be manufactured by ex-offenders 1061
participating in the program or substantially similar goods are 1062
not being manufactured in the United States or that the goods or 1063
substantially similar goods are being manufactured in the United 1064
States and one of the following are true: 1065

(a) Not more than one-half of one per cent of the world's 1066
total production of the goods or substantially similar goods was 1067
manufactured in the United States during the past three years, 1068
excluding any such goods or substantially similar goods 1069
manufactured in the United States by criminal offenders 1070

participating in federal, state, or local work programs. 1071

(b) One or more manufacturers are manufacturing the goods 1072
or substantially similar goods in the United States with the 1073
intention of preventing an employer from participating in the 1074
program, based on the restrictions set forth in division (B)(6) 1075
(a) of this section. The proposal shall include all of the 1076
following information concerning the manufacturers that are 1077
manufacturing the goods or substantially similar goods in the 1078
United States: 1079

(i) The manufacturers' ownership, parents, affiliates, and 1080
subsidiaries; 1081

(ii) The manufacturers' source of capital; 1082

(iii) The manufacturers' actual and projected net profits; 1083

(iv) The date manufacturing began; 1084

(v) The manufacturers' relationship to the world's large 1085
foreign manufacturers; 1086

(vi) The independence of the manufacturer; 1087

(vii) Any other relevant information. 1088

(7) That the employer will have a program for hiring and 1089
promoting high-performing program participants on a regular 1090
basis after they have completed two years of employment through 1091
the program; 1092

(8) That the employer will make space available after 1093
hours for reentry programming provided to ex-offenders pursuant 1094
to rules adopted under division (C)(3) of this section. 1095

(C) The department shall adopt rules pursuant to Chapter 1096
119. of the Revised Code for all of the following: 1097

(1) Processing applications for grants under this section 1098
and for making periodic payments to reimburse successful grant 1099
applicants for fifty per cent of the costs of employing ex- 1100
offenders participating in a program under this section; 1101

(2) Identifying affordable housing within walking distance 1102
of participating employment opportunities that may be purchased 1103
or leased and made available to ex-offenders participating in a 1104
program under this section; 1105

(3) Providing reentry programming to ex-offenders 1106
participating in the reentry Ohio program. 1107

(D) Each ex-offender participating in the reentry Ohio 1108
program must sign a participation agreement in which the 1109
participant agrees to do both of the following, in addition to 1110
the participant's work requirements: 1111

(1) To participate in programming provided by the 1112
department of rehabilitation and correction after hours or on 1113
weekends; 1114

(2) To contribute to support programs for new program 1115
participants after the participant has participated in the 1116
program for one year, including mentoring new program 1117
participants if selected by the department as a mentor. 1118

Section 2. That existing section 4141.01 of the Revised 1119
Code is hereby repealed. 1120

Section 3. All items in this section are hereby 1121
appropriated as designated out of any moneys in the state 1122
treasury to the credit of the designated fund. For all 1123
appropriations made in this act, those in the first column are 1124
for fiscal year 2020 and those in the second column are for 1125
fiscal year 2021. The appropriations made in this act are in 1126

addition to any other appropriations made for the FY 2020-FY 1127
2021 biennium. 1128

1129

	1	2	3	4	5
A	DRC DEPARTMENT OF REHABILITATION AND CORRECTION				
B	Dedicated Purpose Fund Group				
C	5WN0	501626	Reentry Ohio Program	\$ 34,720,309	\$ 37,461,393
D	TOTAL DPF Dedicated Purpose Fund Group			\$ 34,720,309	\$ 37,461,393
E	TOTAL ALL BUDGET FUND GROUPS			\$ 34,720,309	\$ 37,461,393

1130

REENTRY OHIO PROGRAM 1131

If the effective date of this section is before July 1, 1132
2020, the Director of Budget and Management shall transfer a 1133
cash amount from the General Revenue Fund equivalent to one-half 1134
of the fiscal year 2020 appropriation for appropriation item 1135
501405, Halfway House, to the Reentry Ohio Program Fund (Fund 1136
5WN0) created in section 5120.85 of the Revised Code. The 1137
Director shall reduce the fiscal year 2020 appropriation for 1138
appropriation item 501405, Halfway House, by the same amount as 1139
the amount of the cash transfer. 1140

On July 1, 2020, or as soon as possible thereafter, the 1141
Director of Budget and Management shall transfer a cash amount 1142
from the General Revenue Fund equivalent to one-half of the 1143

fiscal year 2021 appropriation for appropriation item 501405, 1144
Halfway House, to the Reentry Ohio Program Fund (Fund 5WN0) 1145
created in section 5120.85 of the Revised Code. The Director 1146
shall reduce the fiscal year 2021 appropriation for 1147
appropriation item 501405, Halfway House, by the same amount as 1148
the amount of the cash transfer. 1149

The foregoing appropriation item 501626, Reentry Ohio 1150
Program, shall be used for the Reentry Ohio Program created in 1151
section 5120.85 of the Revised Code. 1152

Section 4. Within the limits set forth in this act, the 1153
Director of Budget and Management shall establish accounts 1154
indicating the source and amount of funds for each appropriation 1155
made in this act, and shall determine the form and manner in 1156
which appropriation accounts shall be maintained. Expenditures 1157
from appropriations contained in this act shall be accounted for 1158
as though made in H.B. 166 of the 133rd General Assembly. 1159

The appropriations made in this act are subject to all 1160
provisions of H.B. 166 of the 133rd General Assembly that are 1161
generally applicable to such appropriations. 1162