
DEPARTMENT OF JOB AND FAMILY SERVICES

Public Assistance

Supplemental Nutrition Assistance Program (SNAP)

Change reporting

- Requires a household receiving SNAP benefits to report to the Department of Job and Family Services (JFS) within 30 days changes in circumstances that may affect eligibility for benefits.
- Prohibits JFS from implementing simplified or quarterly reporting procedures for households receiving SNAP benefits.

Able-bodied adults without dependents work requirements

- Prohibits JFS from seeking, applying for, or renewing a waiver from the work requirements that apply to able-bodied adults without dependents receiving SNAP benefits.
- Prohibits JFS from implementing a federal option under which it may grant exemptions from the work requirements described above.

Exclusion of sugar-sweetened beverages from purchase

- Requires the JFS Director to seek a waiver from the U.S. Department of Agriculture to exclude sugar-sweetened beverages as items that may be purchased under SNAP.
- Requires the JFS Director to reapply for that waiver annually if it is not approved.

Ohio Benefits Program transfer

- Authorizes the Director of Administrative Services to transfer the Director's responsibility for administering the Ohio Benefits Program to the JFS Director.
- Authorizes the OBM Director to make budget and accounting changes to implement the program's transfer and makes an appropriation based on those changes.

Vocational rehabilitation assessment and support services

- Permits the JFS Director to refer certain recipients of SNAP and Ohio Works First (OWF) benefits for vocational rehabilitation assessment and support services.
- Exempts certain benefits recipients from the above requirements if they are determined to be unable to work by the Opportunities for Ohioans with Disabilities agency, or otherwise meet minimum SNAP and OWF work requirements.
- Terminates SNAP or OWF benefits for recipients required to participate in vocational rehabilitation assessment and support services who fail to do so and do not satisfy minimum work requirements for SNAP and OWF.

Adult Protective Services funding formula

- Requires JFS to allocate funds for counties' Adult Protective Services costs according to a specified funding formula based on previous allocations, the percentage of older adults in the county, and the percentage of county residents in poverty.
- Allows the JFS Director to adopt rules on the allocation of funds and expenditure reports.

Youth and Family Ombudsmen Office

- Changes "Youth and Family Ombudsman Office" to "Youth and Family *Ombudsmen* Office."
- Requires the Ombudsmen Office to establish procedures for investigating complaints and to submit its annual report to the DCY Director.
- Allows the Ombudsmen Office to access DCY records.

Ohio Lead Advisory Council

- Removes the representative of JFS's Bureau of Child Care from the Ohio Lead Advisory Council.

Unemployment

Technology and customer service fee

- Requires the JFS Director, for the two-year period beginning on the provision's effective date, to collect a technology and customer service fee of no more than 0.15% of wages paid per covered employee from each contributory employer at the same time and in the same manner as the Director collects employer contributions under continuing law.
- Requires the JFS Director, for the two-year period beginning on the provision's effective date, to collect a technology and customer service fee of no more than \$13.50 whenever a nonprofit organization, or group of such organizations, that is a reimbursing employer files or renews a surety bond required under continuing law.
- Requires technology and customer service fees to be deposited into the Unemployment Compensation Special Administrative Fund.

Temporary employees

- Disqualifies certain temporary employees who fail to inquire about available work assignments from serving a waiting period or receiving unemployment benefits for the duration of the individual's unemployment (instead of just for any week as under current law).

Deadline for submitting unemployment compensation reports

- Establishes August 1 as the deadline by which the JFS Director annually must submit to the Governor and General Assembly specified reports regarding unemployment compensation that are required under continuing law.

Interest on late unemployment employer payments

- Beginning January 1, 2026, changes the annual interest rate for late unemployment employer payments from 14% to the rounded federal short-term rate, not to exceed 15%.

Covered public employers

- Expands the definition of “employer” for purposes of the Unemployment Compensation Law to include any state, its instrumentalities, and its political subdivisions and their instrumentalities (rather than Ohio, its instrumentalities, and its political subdivisions and their instrumentalities as under current law).

Seasonal employment determinations

- Requires the JFS Director to determine whether employment is seasonal based on the application for a determination filed by the employer and any other information available.

Income and Eligibility Verification System

- Requires the JFS Director to disclose wage and claim information, on request, to any state or local agency administering a program included in the Income and Eligibility Verification System (IEVS) that has entered a written data sharing agreement with the JFS Director that meets standards in federal law.
- Eliminates a requirement that the JFS Director adopt rules implementing the IEVS.

Unemployment Compensation Review Commission

- Allows the Department of Public Safety’s digitalized photographic records to be released to the Unemployment Compensation Review Commission (UCRC).
- Allows a UCRC hearing officer to conduct a hearing by interactive video conference.

Worker Adjustment and Retraining Notification (WARN) Act

- Expressly states that Ohio employers subject to the federal Worker Adjustment and Retraining Notification (WARN) Act (those with 100 or more employees) must comply with that act, which requires certain employers to provide written notice 60 days before commencing a plant closing or mass layoff as those terms are defined in the WARN Act.
- Allows the JFS Director to issue guidance and procedures to Ohio employers for the submission and review of notices provided under the WARN Act.

Public assistance

Supplemental Nutrition Assistance Program (SNAP)

Change reporting

(R.C. 5101.546)

Federal rules governing SNAP provide states options for establishing reporting requirements for households participating in the program. The bill requires the Department of

Job and Family Services (JFS), to the maximum extent permitted by federal law, to require households participating in SNAP to adhere to certified change reporting requirements, under which a household must report certain changes in circumstances to JFS not later than 30 days after a change becomes known to the household. Under federal rules concerning certified change reporting, households must report changes in circumstances such as a change in income or source of income, a change in household composition, a change in residence, or a change in resources that may affect the household's eligibility for benefits.⁹²

Federal law provides states the option to establish different reporting requirements for households participating in SNAP, including quarterly reporting and simplified reporting.⁹³ The bill prohibits JFS from implementing either of these options with respect to households participating in SNAP.

Able-bodied adults without dependents work requirements

(R.C. 5101.548)

Federal law imposes work-related eligibility requirements on SNAP recipients who are classified as able-bodied adults without dependents. The group consists of individuals between the ages of 18 and 55 who have no dependents and are not disabled. These individuals are eligible to receive SNAP benefits for only up to three months every three years unless they satisfy federally specified work requirements.

Under federal law and regulations, states can apply for a waiver to exempt from the time limit described above certain geographic areas of the state that have an unemployment rate higher than 10% or do not have enough jobs available.⁹⁴ Ohio does not have such a waiver in place for FY 2025. The bill prohibits JFS from requesting, applying for, or renewing such a waiver. The bill further prohibits JFS from exercising an option under federal law to exempt individuals from the three-month time limit who are not meeting the SNAP work requirements. States are permitted under federal law to exempt up to 8% of covered individuals.⁹⁵

Exclusion of sugar-sweetened beverages from purchase

(R.C. 5101.549)

The bill requires the JFS Director to submit a request to the U.S. Department of Agriculture for a waiver to exclude sugar-sweetened beverages as items that can be purchased in the state under SNAP. If the waiver is not approved, the JFS Director must resubmit a waiver request annually.

The bill defines "sugar-sweetened beverages" to include nonalcoholic beverages that are made with carbonated water that is flavored, contain a food additive, and are sweetened with sugar or artificial sweeteners. The bill excludes beverages that contain milk, milk products, soy,

⁹² 7 C.F.R. 273.12(a)(1).

⁹³ 7 C.F.R. 273.12(a)(4) and (5).

⁹⁴ 7 U.S.C. 2015(o)(4).

⁹⁵ 7 U.S.C. 2015(o)(6).

rice, or other milk substitutes from the definition of a “sugar-sweetened beverage,” as well as beverages that (1) contain greater than 50% vegetable or fruit juice by volume or (2) contain less than five grams of added sugar.

Ohio Benefits Program transfer

(Section 525.10)

The bill authorizes the Director of Administrative Services to transfer the Director’s responsibility for administering the Ohio Benefits Program to the JFS Director by July 1, 2027. The Ohio Benefits Program is the integrated enterprise solution administered by the Department of Administrative Services (DAS) that assists individuals in verifying eligibility for, and applying for, benefits offered through various programs administered by JFS and the Department of Medicaid, including the Medicaid program, SNAP, and the Temporary Assistance for Needy Families block grant. By July 1, 2026, the DAS Director and JFS Director must develop a detailed organizational plan and enter into a memorandum of understanding regarding the program’s transfer.

Effect of program transfer

If the DAS Director transfers the Ohio Benefits Program, all of the following apply:

- All contracts, records, documents, files, equipment, assets, materials, and staff resources that relate to the program must be transferred to the JFS Director.
- Any business commenced, but not completed, by July 1, 2027, by the DAS Director with respect to the program must be completed by the JFS Director in the same manner, and with the same effect, as if completed by the DAS Director.
- No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the program’s transfer.

Additionally, if the DAS Director transfers the program, no action or proceeding pending on the transfer date is affected by the transfer. Any action or proceeding must be prosecuted or defended in the name of JFS or the JFS Director. In all actions or proceedings, JFS or the JFS Director, on application to the court, must be substituted as a party.

If the transfer occurs, all rules, orders, and determinations issued with respect to the program continue in effect as if issued by the JFS Director until modified or rescinded by the JFS Director. The LSC Director may renumber any rules related to the program to reflect its transfer.⁹⁶

OBM Director

Regardless of any contrary law, if the DAS Director transfers the Ohio Benefits Program, the OBM Director must make budget and accounting changes to implement the transfer. The OBM Director may rename funds, create new funds, transfer funds, consolidate funds, or make other administrative changes. If necessary, the OBM Director may cancel or establish encumbrances or parts of encumbrances in the appropriate funds and appropriation items for

⁹⁶ By reference to R.C. 103.05, not in the bill.

the same purposes and for payments to the same vendors. The bill makes an appropriation with respect to any encumbrances the OBM Director establishes.

If necessary for the continued efficient administration of the program, the OBM Director may transfer appropriations between JFS and DAS to continue levels of program services and efficiently deliver funding to the program as appropriated. The bill makes an appropriation based on the OBM Director's changes.

Transfer of employees

Subject to continuing law layoff provisions, if the DAS Director transfers the Ohio Benefits Program, all of the DAS Director's employees, as identified by the DAS Director, whose primary responsibilities include administering the program are transferred to JFS. Except as described below, transferred employees retain their positions and benefits. Any changes to an employee's position or benefits that occur after the employee is transferred are subject to the Department of Administrative Services – Personnel Law. Actions taken in connection with transferring these employees are not appealable to the State Personnel Board of Review.

If the DAS Director transfers the program, the JFS Director may do all of the following:

- Establish, change, or abolish positions within JFS;
- Assign, reassign, classify, reclassify, transfer, reduce, promote, or demote JFS employees who are not subject to the Public Employees' Collective Bargaining Law;
- With respect to an employee exempt from collective bargaining or employed by a statewide elected official and who has not been placed in a bargaining unit, assign or reassign that employee to a bargaining unit for collective bargaining purposes if the JFS Director determines that is the appropriate bargaining unit.

If the JFS Director assigns, reassigns, classifies, reclassifies, transfers, reduces, or demotes an employee paid in accordance with schedule E-1 to a position in a lower classification, both of the following apply:

- The JFS Director, or if the employee is transferred outside of JFS, the DAS Director, must place the employee in pay step X and assign the employee to the appropriate classification.
- The employee cannot receive an increase in compensation until the maximum pay rate for that classification exceeds the employee's compensation.

If the DAS Director transfers the program, the JFS Director, with the OBM Director's approval, may establish a retirement incentive plan for employees transferred to JFS. If the Director establishes a plan, it must remain in effect until December 31, 2027, regardless of any contrary timeline in the law governing retirement incentive plans for public employees.

The transfer of the program and employees, and the reassignment of administering the program, are not appropriate subjects for collective bargaining, regardless of any contrary law specifying matters subject to collective bargaining.⁹⁷

Staff training and development

If the DAS Director transfers the Ohio Benefits Program, the DAS Director and JFS Director, jointly or separately, may enter into a contract with a public or private entity for staff training and development to facilitate the program's transfer. A contract entered into is not subject to the competitive bidding requirements prescribed under continuing law.⁹⁸

Vocational rehabilitation assessment and support services

(Section 307.150)

The bill authorizes the JFS Director to refer to vocational rehabilitation assessment and support services recipients of SNAP benefits and participants in the Ohio Works First (OWF) program who have indicated that they have a mental or physical illness or impairment. OWF is the portion of Ohio's Temporary Assistance for Needy Families (TANF) Program that provides cash assistance to needy families for up to 36 months. Federal law gives states broad discretion in establishing TANF cash assistance programs. To receive benefits, adults must sign a self-sufficiency contract that explains the participant's rights and responsibilities. Participating adults must generally complete qualified work activities, including job training, education, work experience, and job search and readiness activities. SNAP, formerly known as the Food Stamp Program, is a federal program administered by states to provide low-income individuals with food. Eligibility rules and benefit levels are set by the federal government and are generally uniform across the nation. Under SNAP, recipients classified as able-bodied adults without dependents are subject to work requirements.

Upon referral, the bill requires an individual to continue with vocational rehabilitation assessment and support services to meet SNAP or OWF work requirements, unless the Opportunities for Ohioans with Disabilities agency determines that the individual is unable to work. If the individual fails to continue with vocational rehabilitation assessment and support services and does not otherwise meet minimum work requirements for participation in SNAP or OWF, the individual will have their SNAP or OWF benefits terminated in accordance with federal regulations.

Adult Protective Services funding formula

(R.C. 5101.612)

The bill generally codifies the Adult Protective Services funding formula that exists under current JFS rules⁹⁹ for the allocation of funds for Adult Protective Services to counties, except the

⁹⁷ By reference to R.C. 124.152 and R.C. 124.321 to 124.328, 145.297, 4117.08, and 4117.10, not in the bill.

⁹⁸ By reference to R.C. 127.16.

⁹⁹ O.A.C. 5101:9-6-14.

bill's funding formula is amended to be based on the number of county residents aged 60 or older rather than the number of residents under age 18 as in current rules.

Under the bill, within available funds, JFS is required to distribute funds to the counties no later than 30 days after the beginning of each calendar quarter for a part of the counties' costs for Adult Protective Services. Funds provided to a county must be deposited into the Public Assistance Fund.

In each fiscal year, the amount of funds available for distribution must be allocated to counties as follows:

1. If the amount is less than the amount initially appropriated for the immediately preceding fiscal year, each county generally must receive an amount equal to the percentage of the funding it received that year;

2. If the amount is equal to the amount initially appropriated for the immediately preceding fiscal year, each county generally must receive that amount;

3. If the amount is greater than the amount initially appropriated for the immediately preceding fiscal year, each county must receive the amount it received that year as a base allocation, plus a percentage of the amount that exceeds that amount, which must be allocated to the counties as follows:

a. 12% divided equally among all counties;

b. 48% in the ratio that the number of county residents aged 60 or older bears to the total number of Ohio residents 60 or older (under current JFS rules, 48% is distributed based on the number of county residents under the age of 18 as compared to statewide residents under 18);

c. 40% in the ratio that the number of county residents with incomes under the federal poverty line bears to the number of Ohio residents in poverty.

No later than 90 days after the end of each state fiscal biennium, each county is required to return any unspent funds to JFS. The JFS Director may adopt rules to allocate funds and prescribe reports on expenditures to be submitted by the counties as necessary for the implementation of this section of the bill.

Continuing law defines "federal poverty line" as the official poverty line defined by the U.S. Office of Management and Budget based on the most recent data available from the U.S. Bureau of the Census and revised by the U.S. Secretary of Health and Human Services. Currently, 100% of the federal poverty line for a family of two is \$20,440.

Youth and Family Ombudsmen Office

(R.C. 5101.891, 5101.892, and 5101.899, with conforming changes in R.C. 5101.893, 5101.894, 5101.895, and 5101.897)

The bill changes the name of the "Youth and Family Ombudsman Office" to "Youth and Family Ombudsmen Office."

Under the bill, the Ombudsmen Office must establish procedures for investigating complaints related to government services regarding child protective services, foster care, and adoption. Continuing law requires it to establish procedures for receiving and resolving complaints, consistent with state and federal law. The bill also requires the Ombudsmen Office's annual report to be submitted to the Director of Children and Youth, in addition to the Governor, Speaker of the House, Senate President, minority leadership in the House and Senate, the JFS Director, and representatives of the Overcoming Hurdles in Ohio Youth Advisory Board as under continuing law.

Additionally, the bill allows the Ombudsmen Office to access Department of Children and Youth (DCY) records, in addition to JFS records as in continuing law, that are necessary for the administration of the Ombudsmen Office and the performance of its official duties. The Ombudsmen Office has the right to request from the DCY Director, and from the JFS Director under continuing law, necessary information from any work unit of the department having information.

Ohio Lead Advisory Council

(R.C. 3742.32)

The bill removes the representative of the JFS's Bureau of Child Care from the Ohio Lead Advisory Council. DCY assumed responsibility for child care on January 1, 2025, and the Council already includes a DCY representative.

Unemployment

Technology and customer service fee

(Section 741.10)

For the two-year period beginning on the provision's effective date, the bill requires the JFS Director to collect a technology and customer service fee from the following types of employers:

- Employers that pay contributions to the unemployment system ("contributory employers"); and
- Nonprofit organizations and nonprofit organization groups, that are reimbursing employers (they reimburse the system for benefits paid out on their behalf).

The state, its political subdivisions, and other public entities that are reimbursing employers do not pay the fee.

For contributory employers, the technology and customer service fee may be no more than 0.15% of wages paid per covered employee. The JFS Director collects the fee on a quarterly basis in the same manner as the Director collects the employer's contributions.¹⁰⁰ Most employers in Ohio are contributory employers.

¹⁰⁰ R.C. 4141.20(B), not in the bill.

For a reimbursing nonprofit organization or nonprofit organization group, the fee may be no more \$13.50 per organization or group. The JFS Director must collect the fee whenever the organization or group of organizations files or renews a surety bond required under continuing law. A surety bond filed must be in force for no less than two calendar years. Bond renewals are approved by the Director at times prescribed by the Director.¹⁰¹

The bill requires the JFS Director to deposit technology and customer service fees into the Unemployment Compensation Special Administrative Fund. Under continuing law, the fund includes interest, fines, and forfeitures collected under the Unemployment Compensation Law, as well as money from the sale of certain real estate. The Director uses the fund to pay certain administrative costs associated with the unemployment compensation system.

Temporary employees

(R.C. 4141.29; Section 801.10)

The bill specifies that, for an initial unemployment benefits claim filed on or after the provision's effective date, an individual is considered to have quit work without just cause, thus disqualifying the individual from serving a waiting period or receiving unemployment benefits for the duration of the individual's unemployment, if all the following apply:

- The individual is provided temporary work assignments by the individual's employer under agreed terms and conditions of employment;
- The individual is required pursuant to those terms and conditions to inquire with the individual's employer for available work assignments upon the conclusion of each work assignment;
- Suitable work assignments are available with the employer, but the individual fails to contact the employer to inquire about work assignments.

Current law specifies that such an individual is not considered unable to obtain suitable employment. Under continuing law, an individual is prohibited from serving a waiting period or receiving unemployment benefits for any week that the individual is not unable to find suitable employment. Thus, the bill disqualifies an individual described above from serving a waiting period or receiving unemployment benefits for the duration of the individual's unemployment, instead of just for any week as under current law.

Deadline for unemployment compensation reports

(R.C. 4141.56 and 4141.60)

The bill establishes August 1 as the annual deadline for the JFS Director to submit the annual report, required by current law, on each of the following topics involving unemployment compensation:

- Utilization of the SharedWork Ohio Program;

¹⁰¹ R.C. 4141.241(C), not in the bill.

- Calls received at Director-operated call centers, the total number of benefit claims, the number of potentially fraudulent claims, the number of complaints submitted through the Director’s uniform complaint process, and a summary of technology updates or changes.

Under current law, it appears that the annual deadlines for submitting the reports are inconsistent.

Under continuing law, the Director must submit the reports to the Governor, the Senate President, and the Speaker of the House. In addition, the Director must submit the SharedWork Ohio report to the minority leaders of the House and Senate.

Finally, the bill eliminates the Unemployment Modernization and Improvement Council as a recipient of the second report described above, because the Council no longer exists.

Interest on late unemployment employer payments

(R.C. 4141.23)

The bill changes the annual interest rate for late unemployment employer contributions, payments in lieu of contributions (reimbursements), interest, forfeitures, or fines not paid by an employer when due. Beginning January 1, 2026, a late payment bears interest at the rounded federal short-term rate, not to exceed 15% (if in effect for 2025, the interest rate for late payments would be 8%).¹⁰² Currently, a late unemployment employer payment bears interest at the annual rate of 14% compounded monthly on the aggregate receivable balance due.

The bill also removes an obsolete provision that established the annual interest rate for late unemployment employer contributions or reimbursements due before January 1, 1993.

Covered public employers

(R.C. 4141.01, 4141.011, and 4141.02)

The bill expands the definition of “employer” for purposes of the Unemployment Compensation Law to include *any* state, its instrumentalities, and its political subdivisions and their instrumentalities. The current law definition of “employer,” with respect to public employers, includes Ohio, its instrumentalities, and its political subdivisions and their instrumentalities. Under continuing law, an individual or entity who meets the definition of “employer” also must meet requirements related to the employment provided by the employer to be subject to the Unemployment Compensation Law.

The continuing law definition of “employer” also includes Indian tribes, and any individual or type of organization including any partnership, limited liability company, association, trust, estate, joint-stock company, insurance company, or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee, or the successor thereof, or the legal representative of a deceased person.

¹⁰² [Annual Certified Interest Rates](#), which is available by conducting a keyword “Interest rates” search on the Ohio Department of Taxation website: tax.ohio.gov.

The bill reorganizes the definition of “employer” for purposes of the Unemployment Compensation Law and eliminates outdated provisions.

Seasonal employment determinations

(R.C. 4141.33)

The bill requires the JFS Director to determine whether employment is seasonal using an application filed by an employer and any other information available to the Director. Currently, after an employer files the application for a determination, the Director must perform an investigation, provide notice, and hold a hearing before determining whether employment is seasonal in nature.

Under continuing law, employment is seasonal in an industry if, because of climatic conditions or because of the seasonal nature of the industry, it is customary to operate only during regularly recurring periods of 40 weeks or less in any consecutive 52 weeks. Any employer who claims to have seasonal employment in a seasonal industry may file a written application requesting the JFS Director to classify the employment as seasonal for purposes of the Unemployment Compensation Law.

When the JFS Director determines that a type of employment is seasonal, unemployment benefits for loss of work from the employment are payable only during the longest seasonal periods that the best practice of the industry reasonably permit. The Director establishes seasonal periods for seasonal employment. No industry or employment can be considered seasonal until the Director determines that it is seasonal.

When the JFS Director determines employment is seasonal and establishes seasonal periods, the Director also establishes the proportionate number of weeks of employment and earnings required to qualify for seasonal benefit rights. Ordinarily, an individual must have worked for at least 20 weeks within the first four of the last five completed calendar quarters (referred to as “the base period”) and earned an average weekly wage of not less than 27.5% of the statewide average weekly wage within that period. If an individual has not worked enough qualifying weeks within the base period, the individual can still qualify if the individual has worked at least 20 weeks during the four most recently completed calendar quarters (referred to as the “alternate base period”).¹⁰³ The number of weeks of employment and earnings established by the Director in a seasonal determination replace the weeks of employment and earnings required to receive ordinary benefits.

Income and Eligibility Verification System

(R.C. 4141.162)

The bill requires the JFS Director to disclose wage and claim information, on request, to any state or local agency administering a program included in the Income and Eligibility Verification System (IEVS) that has entered into a written data sharing agreement with the Director that meets standards in federal law. The IEVS is required by federal law and is used to

¹⁰³ R.C. 4141.01(R).

determine eligibility and benefit amounts for unemployment compensation and other benefit programs.¹⁰⁴

The bill also eliminates a requirement that the JFS Director adopt rules implementing the IEVS.

Unemployment Compensation Review Commission

(R.C. 4507.53)

The bill allows the Department of Public Safety's digitalized photographic records to be released to the Unemployment Compensation Review Commission (UCRC) (the agency that hears unemployment claim appeals) for the purpose of carrying out its functions under the Unemployment Compensation Law. Under continuing law, records may be released to JFS for the purpose of carrying out its functions under the Law.

UCRC hearings

(R.C. 4141.281)

The bill allows a UCRC hearing officer to conduct a hearing by interactive video conference. Under continuing law, a hearing officer may conduct a hearing in person or by telephone.

Continuing law allows members of certain public bodies to hold and attend virtual meetings or conduct and attend virtual hearings by means of video conference or any other similar electronic technology, if a public body adopts a policy to do so. It appears that the UCRC is a public body that is permitted to adopt such a policy. Continuing law also specifies that, if a provision of the Revised Code permits a particular public body to meet or hold hearings by means of teleconference, video conference, or any other similar electronic technology, that provision prevails over the general provisions in the law with respect to that particular public body.¹⁰⁵

Worker Adjustment and Retraining Notification (WARN) Act

(R.C. 4113.31)

The bill expressly states that Ohio employers subject to the federal Worker Adjustment and Retraining Notification (WARN) Act (those with 100 or more employees) must comply with that act. Unless an exception applies, the WARN Act requires a covered employer to provide specified individuals with written notice 60 days before a mass layoff or plant closing. If the employer fails to provide the required notice, the employer may be liable for damages, civil penalties, and attorney's fees.¹⁰⁶

¹⁰⁴ 42 U.S.C. 1320b-7 and 20 C.F.R. 603.10.

¹⁰⁵ R.C. 121.22(B)(1); R.C. 121.221, not in the bill.

¹⁰⁶ 29 U.S.C. 2102 and 2104.

As stated in the bill, the WARN Act's notice requirement applies to any private sector employer and any public or quasi-public employer that engages in business, such as taking part in a commercial enterprise, if the employer:

- Employs 100 or more employees, excluding part-time employees (an employee who works less than 20 hours per week or who has worked for fewer than six months in the 12 months preceding the date of the notice); or
- Employs 100 or more employees who work at least a combined 4,000 hours a week.¹⁰⁷

Under the WARN Act, a plant closing occurs when an employment site (or one or more facilities or operating units within an employment site) is to be shut down, and the shutdown will result in an employment loss for 50 or more full-time employees during any 30-day period. A mass layoff is any reduction in a workforce other than a plant closing that, within any 30-day period, results in either:

- 500 or more full-time employees at a single site losing employment; or
- Between 50 and 499 full-time employees at a single site losing employment, if that number is 33% or more of the number of full-time employees at that single site.¹⁰⁸

A WARN Act notice must be provided to each affected employee's authorized representative or, if there is no such representative at the time the notice is sent, to each affected employee. A notice also must be sent to the state entity responsible for rapid response activities under the Workforce Innovation and Opportunity Act (in Ohio, the JFS Director), as well as the chief elected official of the unit of local government within which a closing or layoff is to occur. The bill lists the information that must be included in the notice, which varies based on the notice recipient. These are the same requirements as under the WARN Act.

As under the WARN Act, the bill states that an employer is not required to provide a WARN Act notice when a plant closure or mass layoff constitutes a strike or a lockout as those terms are described in federal statutes and regulations.

For additional details about the WARN Act, including the content of the notice, remedies for violations, and instances where the 60-day period can be reduced or waived, see the LSC [Plant Closure and Layoff Notices \(PDF\)](#) Members Brief, which is available on LSC's website: lsc.ohio.gov/Publications.

The bill specifies that it does not establish different requirements or remedies than those established by federal statutes and regulations. Because the bill applies to the same employers as the WARN Act and does not create new requirements or remedies, it is not clear what effect it will have.

¹⁰⁷ 29 U.S.C. 2101.

¹⁰⁸ 29 U.S.C. 2101(a)(2) and (3) and 20 C.F.R. 639.6(b).

Additionally, if the WARN Act is amended after the bill takes effect, the differences between the bill and the amended WARN Act may trigger legal questions, including preemption under the Supremacy Clause of the U.S. Constitution.¹⁰⁹

¹⁰⁹ U.S. Constitution, Article VI, Clause 2.