

## TO BE RESCINDED

4141-1-04                    **Limited partnership associations, limited partnerships and limited liability companies.**

- (A) Members of a limited partnership association, as that term is defined in Chapter 1783. of the Revised Code, are deemed to be in the employment of the association if performing services for remuneration for the association.
- (B) Individuals who are limited partners in a limited partnership pursuant to Chapter 1782. of the Revised Code shall be considered in the employment of the limited partnership to the extent that remuneration in a form other than share of profits is received by such limited partners for services performed for the limited partnership.
- (C) The determination as to whether individuals are in covered employment with a single-member limited liability company for the purposes of Chapter 4141. of the Revised Code shall be determined based on the limited liability company's tax classification for federal income and federal unemployment tax purposes as follows:
- (1) The member of a single-member limited liability company that has not elected to be treated as a corporation shall be treated as a sole proprietor. Services performed for the limited liability company by family members of the sole proprietor shall not constitute covered employment with the limited liability company if such family members meet the requirements of division (B)(3)(f) of section 4141.01 of the Revised Code.
  - (2) The member of a single-member limited liability company that has elected to be treated as a corporation shall be considered to be in covered employment with the limited liability company if the member receives remuneration for services rendered to the limited liability company or renders services in anticipation of receiving remuneration from the limited liability company.
  - (3) If the member of a single-member limited liability company is a corporation, a corporate officer of that corporation shall be considered to be in covered employment with the limited liability company if the officer receives remuneration for services rendered to the limited liability company, or renders services to the limited liability company in anticipation of receiving remuneration.
- (D) The determination as to whether individuals are in the employment of a multi-member limited liability company for the purposes of Chapter 4141. of the Revised Code shall be determined based on the limited liability company's tax classification for federal income and federal unemployment tax purposes, as follows:

- (1) If all of the members of a multi-member limited liability company that has not elected to be treated as a corporation are individuals, the members shall be treated as partners. Services performed by a family member of any individual member of the limited liability company shall not constitute covered employment with the limited liability company if the relationship of each individual member of the limited liability company to the family member meets the requirements of division (B)(3)(f) of section 4141.01 of the Revised Code.
- (2) If the members of a multi-member limited liability company that has elected to be treated as a corporation are two or more individuals, they shall be considered to be in covered employment with the limited liability company if they receive remuneration for services rendered to the limited liability company, or render services to the limited liability company in anticipation of receiving remuneration.
- (3) If the members of a multi-member limited liability company are corporations, a corporate officer of any of those corporations shall be considered to be in covered employment with the limited liability company if the officer receives remuneration for services rendered to the limited liability company, or renders services to the limited liability company in anticipation of receiving remuneration.

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Five Year Review (FYR) Dates: 2/6/2024

CERTIFIED ELECTRONICALLY

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Certification

04/23/2024

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Date

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