

OHIO DEPARTMENT OF JOB AND FAMILY SERVICES

DATE: 6/6/2024
TIME: 10:00 a.m.
LOCATION: Teleconference and Room 3110B, Rhodes State Office Tower
30 East Broad St., Columbus, Ohio 43215

This meeting will be held by teleconference and in person. If you would like to submit oral testimony, please attend the meeting site location, or call in at the date and time to 1-614-721-2972. Then enter the meeting I.D # which is 228 563 635#. Written testimony may also be submitted electronically to: rules@jfs.ohio.gov

Pursuant to section 4141.13, and Chapter 119. of the Ohio Revised Code, the Ohio Department of Job and Family Services gives notice of the department's intent to consider the rescission and adoption of the rules as identified below and of a public hearing thereon. This is a result of the five year rule review requirements.

4141-17-02: “Voluntary successorship: clearly segregable and identifiable portion”

This rule explains and clarifies that the transfer of a portion of a trade or business results in the transferee becoming a successor in interest if several requirements are met.

Language from this rule is being consolidated to create a new rule 4141-17-03 Voluntary transfer.

4141-17-03: “Voluntary successorship: substantially all of the assets” This rule explains and clarifies that the transfer of substantially all of a trade or business results in the transferee becoming a successor in interest if several requirements are met. Language from this rule is being consolidated to create a new rule 4141-17-03 Voluntary transfer.

4141-17-03: “Voluntary Transfer” (N) This rule explains and clarifies that the transfer of a portion or substantially all of a trade or business results in the transferee becoming a successor in interest if several requirements are met. This is a new rule that replaces 4141-17-02, 4141-17-03.

4141-17-04: “Automatic successorship” This rule explains that the transferee will become a successor in interest by law where: (1) there is a transfer of all the transferor's trade or business located in Ohio; and (2) at the time of the transfer the transferor is a liable employer under Chapter 4141 of the ORC. Language from this rule is being consolidated to create a new rule 4141-17-02 Mandatory transfer.

PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES

4141-17-05: “Mandatory partial transfer of experience” This rule clarifies that if an employer has transferred a portion of its trade or business to another employer and, at the time of the transfer, both employers are under substantially common ownership, management, or control, then the unemployment experience and outstanding debt attributable to the transferred portion of the trade or business shall be transferred to the transferee. Language from this rule is being consolidated to create a new rule 4141-17-02 Mandatory transfer.

4141-17-02: “Mandatory transfer” (N) This rule explains that the transferee will become a successor in interest by law when there is a transfer of all the transferor's trade or business located in Ohio and at the time of the transfer, the transferor is a liable employer under Chapter 4141 of the ORC. The rule also clarifies that if an employer has transferred a portion of its trade or business to another employer and, at the time of the transfer, both employers are under substantially common ownership, management, or control, then the unemployment experience and outstanding debt attributable to the transferred portion of the trade or business shall be transferred to the transferee. This is a new rule that replaces 4141-17-04, 4141-17-05.

4141-30-01: “Separation pay” This rule explains that payments made to employees in return for their agreeing to a separation from employment will be deducted from unemployment benefits. This rule is being rescinded.

A copy of the proposed rule(s) is available, without charge, to any person affected by the rule(s) at the address listed below. The rule(s) is also available on the internet at <http://www.registerofohio.state.oh.us/>. A public hearing on the proposed rule(s) will be held at the date, time, and location listed at the top of this notice. Either written or oral testimony will be taken at the public hearing. Additionally, written comments submitted or postmarked no later than the date of the public hearing will be treated as testimony.

Requests for a copy of the proposed rule(s) or comments on the rule(s) should be submitted by mail to the Ohio Department of Job and Family Services, Office of Legal and Acquisition Services, 30 East Broad Street, 31st Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e-mail at rules@jfs.ohio.gov.