

NOTICE OF PUBLIC HEARING

To rescind rules 4146-27-01 and 4146-27-02 and to amend rules 4146-1-01, 4146-3-03, 4146-5-01, 4146-5-02, 4146-5-03, 4146-5-05, 4146-5-06, 4146-7-01, 4146-7-02, 4146-13-01, 4146-13-02, 4146-17-01, 4146-17-02, 4146-17-03, 4146-21-01, 4146-21-02, 4146-21-03, 4146-23-01, 4146-23-02, 4146-23-03, 4146-23-04, 4146-25-02, 4146-25-03, and 4146-25-04, of the Ohio Administrative Code in accordance with Chapter 119. of the Ohio Revised Code.

The Unemployment Compensation Review Commission will conduct a public hearing pursuant to R. C. 119.02-119.04 on Tuesday, August 11, 2009, at 8:30 a.m., at the Ohio Department of Job and Family Services, 4020 East Fifth Ave., Columbus, Ohio 43219, Room, A109. The purpose of this hearing is to solicit public comments on the following proposed rules to the Ohio Administrative Code.

Based upon a five year Ohio Revised Code Section 119.032 rule review, and as authorized in Section 4141.14 of the Ohio Revised Code, the Unemployment Compensation Review Commission proposes to rescind rules 4146-27-01 and 4146-27-02, and to amend rules 4146-1-01, 4146-3-03, 4146-5-01, 4146-5-02, 4146-5-03, 4146-5-05, 4146-5-06, 4146-7-01, 4146-7-02, 4146-13-01, 4146-13-02, 4146-17-01, 4146-17-02, 4146-17-03, 4146-21-01, 4146-21-02, 4146-21-03, 4146-23-01, 4146-23-02, 4146-23-03, 4146-23-04, 4146-25-02, 4146-25-03, and 4146-25-04, of the Ohio Administrative Code.

Existing rule 4146-27-01 sets forth the procedures for rescinding, amending or adopting rules and holding a public hearing, in effect prior to the uniform rules procedure established under Chapter 119. This rule is also repetitive of the procedures set forth in rule 4146-17-03. This rule is no longer needed. Rule 4146-27-02, provides that the Review Commission will print copies of its rules and maintain a supply of these printed rules sufficient to supply copies to all persons requesting a copy therefore and to distribute copies of the rules to ODJFS local offices where hearings are held. This rule is no longer needed as any party may find the rules on line as needed. For parties who do not have Internet access, the commission will print the rules and send them to the requesting party. Copies are not needed in local offices for the same reason and most local offices have closed. Printing hard copies of rules in advance is an unnecessary expense.

The proposed amendments to rules 4146-1-01, 4146-3-03, 4146-5-01, 4146-5-02, 4146-5-03, 4146-5-05, 4146-5-06, 4146-7-01, 4146-7-02, 4146-13-01, 4146-13-02, 4146-17-01, 4146-17-02, 4146-17-03, 4146-21-01, 4146-21-02, 4146-21-03, 4146-23-01, 4146-23-02, 4146-23-03, 4146-23-04, 4146-25-02, 4146-25-03, and 4146-25-04, of the Ohio Administrative Code, are necessary to correct a title from Administrator to Director and to correct statutory references which have changed since these rules were last reviewed. In addition the following rules have other areas that are being amended. Rules, 4146-5-05 and 4146-5-06 are being amended to reflect that in-person hearings will be held at a location determined by the commission. This change is necessary, as the closing of many

local offices has limited the facilities available for in-person hearings. Rules 4146-7-01, 4146-7-02, 4146-17-01, and 4146-17-02 are amended to reflect that hearings are now electronically recorded rather than tape-recorded and that there is no longer a file folder, as files are now kept electronically. Rule 4146-17-03 is amended to reflect that Notice of Public Hearing to rescind, adopt or amend rules is now controlled by Revised Code Section 119. Rule 4146-23-02 is amended to delete an old address for the Review Commission. Rule 4146-25-02 is amended to delete the option to review the hearing officer level record in an employment services local office where the Review Commission holds hearings, as all hearings are now held by telephone, unless an in-person request is made, and most all local offices have closed. Upon request the commission now provides an electronic copy of the hearing officer's record. Rule 4146-25-03 is also amended to delete the option to review the hearing officer level record in an employment services local office where the Review Commission holds hearings, for the same reasons as set forth above. In addition the rule is amended under, Section (D) "Disposition of an allowed request for review", by deleting option 4, "Remand the case to hearing officer level for a further hearing to be held and a new decision to be issued". This is a result of a change in business procedure, wherein all remands are now heard at commission level.

Either oral or written testimony will be received at the hearing. Additionally, written comments received at the address below before the hearing will be treated as testimony.

Requests for a copy of the proposed rules or comments on them should be submitted in person, or by mail to the following address: Attn: David F. Kubli, Chief Hearing Officer, Unemployment Compensation Review Commission, 4020 East Fifth Ave., Columbus, Ohio 43219.