

A Return to Normal? Ohio's Pandemic Unemployment Benefits Wind Down

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CLIENT ALERT | 6.3.2021

As Ohio continues its recovery from the COVID-19 pandemic, a number of pandemic unemployment benefits programs are winding down. Governor Mike DeWine has announced the termination of two facets of Ohio's pandemic unemployment benefits framework. Other pandemic unemployment programs are also set to expire in the coming months. With the expiration of these programs, employers and unemployed workers are faced with the prospect of Ohio returning to its traditional unemployment framework – a framework that, after over fifteen months of the pandemic, may now be foreign to many.

What Unemployment Benefits Programs Are Ending?

Federal Pandemic Unemployment Compensation (FPUC), the supplemental unemployment benefit created by the CARES Act in March 2020 at \$600 per week and continued by the American Rescue Plan Act (ARPA) at \$300 per week, is ending. The federal government, acting through the Ohio Department of Job and Family Services, paid FPUC to unemployed workers in addition to the state unemployment benefits they were already eligible to receive. Although ARPA extended FPUC payments for unemployed workers through September 6, almost half (24) of all states have now committed to opting out of this program early. Ohio will end FPUC payments after the benefit week ending June 26, 2021.

Two other federal pandemic unemployment programs are also set to end in the coming months. The Pandemic Unemployment Assistance program (PUA), which provides unemployment benefits for independent contractors and others who do not qualify for traditional state unemployment benefits, and the Pandemic Emergency Unemployment Compensation program (PEUC), which provides extended traditional unemployment benefits, are both set to expire after the week ending September 4, 2021.

The expiration of PEUC means that the length of time workers will be able to receive unemployment benefits will revert to the standard provided by Ohio law. PEUC allowed unemployed workers to receive up

to 79 weeks of unemployment benefits, but the program will expire after the week ending September 4. After that date, unemployed workers will once again only be eligible to receive a maximum of 26 weeks of unemployment benefits (regardless of whether they used all 79 weeks of PEUC by that time).

Other Changes

Ohio has reinstated its work search requirements for unemployed individuals to be eligible for benefits. This is not a change for recently unemployed workers, but workers who were unemployed prior to December 6, 2020 were still not required to search for new employment to be able to receive unemployment benefits. Effective May 23, 2021, work search requirements resumed even for those workers who became unemployed prior to December 6, 2020 in order to continue receiving unemployment benefits.

Employers will likely soon be impacted more directly by the “return to normal” as well. For the majority of the pandemic, employers who contribute to the Ohio unemployment insurance fund have avoided having certain pandemic-related layoffs affect their unemployment insurance rate. These “contributing employers” have instead been able to charge the unemployment benefits payments for these pandemic-related layoffs to Ohio’s mutualized unemployment benefits account. An executive order from Governor DeWine currently allows this arrangement to continue for the duration of Ohio’s state of emergency. However, the revocation of the state of emergency declaration or a new executive order could change this arrangement and thereby cause subsequent unemployment benefits payments to once again affect contributing employers’ unemployment insurance rates.

What Does Ohio’s Traditional Unemployment Benefits Framework Look Like?

After fifteen months of expanded pandemic unemployment benefits, and with a “return to normal” on the horizon, this is a good time to refresh your understanding of Ohio’s traditional unemployment benefits framework.

To qualify for traditional unemployment benefits, Ohio workers filing for unemployment benefits must meet the following criteria:

1. The worker must be “totally” or “partially” unemployed. “Partial unemployment” is defined as earning less income than what the worker would be eligible to receive in unemployment benefits.
2. The unemployment must be “involuntary.” This means that workers who refuse an offer of suitable work are ineligible to receive unemployment benefits.
3. The worker must have earned sufficient income over a sufficient length of time. Workers must have earned an average weekly wage of at least \$280 in at least 20 weeks of employment in either the first four of the last five completed calendar quarters or the last four completed calendar quarters.
4. The worker must be “able and available” to work. If a worker is unable to work, he or she is not eligible for unemployment benefits.
5. The worker is “actively seeking work.” Workers are required to conduct two “work search activities” per week and provide written documentation of those activities to be eligible to receive unemployment benefits.

Beginning on June 27, 2021, Ohio unemployment benefits recipients will revert to receiving the standard amount of unemployment benefits for eligible weeks of unemployment. Recipients are eligible to receive 50% of their average weekly wage as unemployment benefits, subject to a cap that varies based upon the recipient's number of dependents. Individuals with no dependents are eligible to receive a maximum weekly benefit of \$498, individuals with 1-2 dependents are eligible to receive a maximum weekly benefit of \$604, and individuals with 3 or more dependents are eligible to receive a maximum weekly benefit of \$672. Additionally, if an unemployment benefits recipient earns income during any week of unemployment, 80% of the income they earn is subtracted from their unemployment benefit payment for that week.

Please contact your Vorys lawyer if you have questions about the winding down of pandemic-related unemployment benefits programs and/or traditional Ohio unemployment benefits.

Vorys COVID-19 Task Force

Vorys attorneys and professionals continue to counsel our clients in the myriad issues related to the coronavirus (COVID-19) pandemic. Vorys has also established a comprehensive Coronavirus Task Force, which includes attorneys with deep experience in the niche disciplines in which we have been and expect to continue to receive questions regarding coronavirus. Learn more and see the latest updates from the task force at [vorys.com/coronavirus](https://www.vorys.com/coronavirus).