



Ohio Revised Code

Section 4141.251 Unemployment compensation interest contingency fund.

Effective: September 28, 2016

Legislation: House Bill 390 - 131st General Assembly

(A) Beginning October 1, 2016, if the director of job and family services has paid interest charged under section 1202(b) of the "Social Security Act," 42 U.S.C. 1322(b), for an advance made to the state under section 1201 of the "Social Security Act," 42 U.S.C. 1321, from the unemployment compensation interest contingency fund created in this section, the director shall require each contributory employer to pay a surcharge in accordance with this section.

(B) If division (A) of this section applies, the director shall determine the amount of a surcharge to assess against each contributory employer that generates an amount not greater in the aggregate than the amount sufficient to repay the fund for the amount of that interest paid. The director shall determine the amount of the surcharge on a flat rate basis.

(C) The director shall collect any surcharge due under this section at the same time and in the same manner as contributions due under section 4141.25 of the Revised Code. The director shall provide notice to each employer subject to a surcharge under this section, either upon the quarterly contribution report due from each employer under section 4141.20 of the Revised Code or by other appropriate notice, a separate listing of the amount of any surcharge due under this section. Surcharge payments made pursuant to this section shall not be used to satisfy an employer's contribution obligations under section 4141.25 of the Revised Code.

(D) If an employer makes a payment that is insufficient to pay the amount of contributions due under this chapter and the amount of a surcharge due under this section, the partial payment shall be applied first against the surcharge due under this section. The director shall apply any remaining amounts from the partial payment in the following order:

- (1) Against any mutualized contributions due under this chapter;
- (2) To the credit of the employer's individual account;



(3) Against any interest, forfeiture, and fines due under this chapter.

(E) Any surcharge due from an employer under this section, if not paid when due, shall be treated the same as delinquent contributions under section 4141.23 of the Revised Code. Any forfeiture or interest payments associated with the collection of the surcharge shall be deposited consistent with forfeiture and interest associated with contributions, pursuant to section 4141.11 of the Revised Code.

(F) There is hereby created in the state treasury the unemployment compensation interest contingency fund. The fund shall be used to pay interest charged under section 1202(b) of the "Social Security Act," 42 U.S.C. 1322(b) on advances made to the state under section 1201 of the "Social Security Act," 42 U.S.C. 1321. Any interest earned on the money in the fund shall be retained in the fund. The director shall deposit amounts received pursuant to the surcharge assessed under this section in the fund.