



## Ohio Revised Code Section 4133.08 Financial statements.

Effective: September 28, 2021

Legislation: House Bill 75

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(A) An alternate employer organization shall maintain positive working capital at initial or annual registration, as reflected in the financial statements submitted to the bureau of workers' compensation. If a deficit in working capital is reflected in the financial statements submitted to the bureau, the alternate employer organization shall submit to the administrator of workers' compensation a quarterly financial statement for each calendar quarter during which there is a deficit in working capital, accompanied by an attestation of the chief executive officer, president, or other individual who serves as the controlling person of the alternate employer organization that all wages, taxes, workers' compensation premiums, and employee benefits have been paid by the alternate employer organization. The letter of credit required under division (D)(1) of section 4133.07 of the Revised Code shall be held by a depository designated by the administrator and shall secure payment by the alternate employer organization of all taxes, wages, benefits, or other entitlements due or otherwise pertaining to worksite employees, if the alternate employer organization does not make those payments when due.

(B) An alternate employer organization shall prepare financial statements in accordance with generally accepted accounting principles and submit them for registration and registration renewal under section 4133.07 of the Revised Code. The financial statements shall be audited by an independent alternate public accountant authorized to practice in the jurisdiction in which that accountant is located.

(1) The resulting report of the auditor shall not include either of the following:

(a) A qualification or disclaimer of opinion as to adherence to generally accepted accounting principles;

(b) A statement expressing substantial doubt about the ability of the alternate employer organization to continue as a going concern.



(2) However, if an alternate employer organization does not have at least twelve months of operating history on which to base financial statements, the financial statements shall be reviewed by a certified public accountant.

(3) Notwithstanding division (B)(1)(a) of this section, if an alternate employer organization is a subsidiary or is related to a variable interest entity, the alternate employer organization or alternate employer organization entity may submit financial statements of the alternate employer organization.

(C) The bureau shall deny initial or annual registration to an applicant that does not meet the requirements of this section.