



S.B. 233
123rd General Assembly
(As Introduced)

Sen. Hagan

BILL SUMMARY

- Establishes the right to additional unemployment compensation benefits for individuals under a lockout if the National Labor Relations Board finds that the individual's employer committed an unfair labor practice in connection with the lockout.
- Establishes criteria for determining the amount of the additional benefits allowable to eligible individuals under the bill.

CONTENT AND OPERATION

Background

Under the Unemployment Compensation Law (R.C. Chapter 4141.), an individual who meets specified criteria is entitled to receive unemployment compensation benefits while unemployed. The law establishes criteria for determining the amount of money an individual will receive on a weekly basis and the number of weeks the individual will receive that amount. The amount per week, commonly called the "weekly benefit amount," equals 50% of the individual's average weekly wage up to a maximum weekly amount established for that individual's dependency class. An individual will receive this weekly benefit amount for a minimum of 20 weeks, up to a maximum of 26 weeks, depending on the individual's previous employment history.

The bill

The bill establishes new criteria for determining the benefits of an individual who is under a lockout. A lockout occurs when an employer shuts down or withholds work from a definable segment of employees during a labor dispute. Under the bill, an individual who has received the maximum amount of benefits permitted and who is under a lockout at the expiration of receipt of those benefits, may be eligible to receive additional benefits if the National Labor

Relations Board finds that the individual's employer committed an unfair labor practice under the federal "National Labor Relations Act" in connection with the lockout.¹

The bill specifies that an individual whose employer is found by the NLRB to have committed an unfair labor practice in connection with a lockout, if that individual continues to satisfy the eligibility requirements prescribed under the Unemployment Compensation Law, is entitled to continue to receive the weekly benefit amount the individual received before the expiration of regular benefits, beginning with the week the Board finds that the individual's employer committed an unfair labor practice, and ending the week during which the earlier of either of the following occurs:

- (1) The employer satisfies all penalties imposed by the Board for committing the unfair labor practice associated with the lockout;
- (2) The lockout ends.

¹ *The National Labor Relations Board is an independent federal agency created by Congress in 1935 to administer the National Labor Relations Act (NLRA), 29 U.S.C.A. 151 et. seq., 49 Stat. 449, the primary law governing relations between unions and employers in the private sector. The statute guarantees the right of employees to organize and to bargain collectively with their employers or to refrain from all such activity. In its statutory assignment, the NLRB has two principal functions: (1) to determine, through secret-ballot elections the choice by employees whether they wish to be represented by a union in dealing with their employers and if so, by which union, and (2) to prevent and remedy unfair labor practices by either employers or unions. National Labor Relations Board, Fact Sheet on the National Labor Relations Board (visited January 13, 2000) <<http://www.nlr.gov/facts.html>>.*

The NLRA does not prohibit all lockouts, but the Board has determined that certain lockouts violate the NLRA. The NLRA describes five practices which, if committed by an employer, are considered to be unfair labor practices. The Board has determined that if an employer engages in a lockout for the purpose of avoiding its obligations under NLRA, in specified instances, it is committing an unfair labor practice. See NLRB v. Somerset Shoe Co. (1940, CA1st), Re B & Z Hosiery Products Co. (1949) 85 NLRB 633, and Re Paterson Steel & Forge Co. (1951) 96 NLRB 129.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	01-04-00	p. 1282

S0233-I.123/jc

