



Ohio Administrative Code

Rule 4141-32-01 Determination of seasonal status.

Effective: November 12, 2018

(A) No industry or employment shall be deemed seasonal unless it is determined to be seasonal by the director.

(B) Any employer seeking to be determined a "seasonal employer" by the director shall file with the director a written application to be determined to be a seasonal employer and for classification of its employment as seasonal. The application shall contain the following information:

(1) The total number of individuals employed by the employer in the fifty-two week period ending with the last week of the most recently completed seasonal period;

(2) The number of individuals employed by the employer in seasonal employment in the proposed seasonal industry in the fifty-two week period ending with the last week of the most recently completed seasonal period;

(3) The number of individuals employed by the employer who are not in seasonal employment in the proposed seasonal industry and are in administrative and maintenance operations;

(4) The beginning and ending date of the proposed seasonal period;

(5) The nature of the operations and business conducted by the employer; and

(6) The employer's state unemployment tax account number.

(C) The application to be determined to be a seasonal employer and for classification of seasonal employment must be signed by a duly authorized representative.

(D) Definitions:



- (1) "Seasonal employer" means an employer whose operations and business are substantially all in an industry in which it is customary to operate because of climatic conditions or because of the seasonal nature of such industry only during regularly recurring periods of forty weeks or less duration in any consecutive fifty-two week period.
- (2) "Seasonal industry" means an industry in which it is customary to operate because of climatic conditions or because of the seasonal nature of such industry only during regularly recurring periods of forty weeks or less duration in any consecutive fifty-two week period.
- (3) "Seasonal employment" means employment for a seasonal employer in a seasonal industry only during the employer's seasonal period. An individual who works for a seasonal employer outside of the employer's seasonal period shall not be considered in seasonal employment.
- (E) The director shall determine whether the employer is a "seasonal employer" and if so establish the seasonal period. No seasonal period shall be established which exceeds forty weeks in duration in any consecutive fifty-two week period.
- (F) Any employer determined to be a seasonal employer shall submit to the director annually, no later than sixty days prior to the beginning date of the proposed seasonal period, the information provided under paragraph (B) of this rule.