



Ohio Administrative Code

Rule 4141-37-11 Changes in and termination of group account.

Effective: June 18, 2020

(A) During the first two years after a group account is established, a member of the group may request withdrawal from the group by providing a copy of the resolution of the board of directors, trustees, or other governing body of such member, however denominated, approving such action and the written consent of each active member of the group to the withdrawal of the applicant. Consent authority may be delegated to the group representative by all of the group members filing a power of attorney authorization for this purpose with the group representative and the department. The director shall approve or disapprove such request and issue appropriate determination, including the effective date on which such request, if granted, shall become effective provided that no withdrawal shall be permitted when approval thereof would result in less than two members remaining in the group, and provided further that, in no event, shall such member withdraw from the group until a new or amended group surety bond, new pledge of a group deposit of approved municipal or other bonds, or approved securities or a combination thereof, or other forms of collateral security approved by the director, or other appropriate changes have been made with respect to security of the account.

(B) After a group account has remained in effect for two years, any member of the group may request withdrawal by providing a copy of the resolution of the board of directors, trustees, or other governing body of such member, however denominated, approving such action and evidence that all other members have been informed of such filing. The director shall approve or disapprove such request and issue appropriate determination, including the effective date as of which such request, if granted, shall become effective, provided that no member shall withdraw from the group until a new or amended group surety bond, new pledge of a group deposit of approved municipal or other bonds, approved securities, or a combination thereof, or other forms of collateral security approved by the director, or other appropriate changes have been made with respect to security of the account, and provided further that where any withdrawal results in less than two members remaining in the group, the director may terminate the group account by issuing an appropriate determination.

(C) A group account may be terminated by request filed at any time after such account has remained



in effect for two years. Such request must be signed by an authorized official of each member and must have attached to it a copy of the resolution of the board of directors, trustees, or other governing body of each member, however denominated, authorizing such termination. If approved, the director shall prescribe in such determination the date, as of the end of a calendar quarter, after which no further charges to the group account shall be made. Thereafter, the account of the group shall be terminated as of the date on which all group billings have been paid in full.

(D) A reimbursing employer desiring to join an existing group shall file an application for membership therein in the manner and form prescribed for the establishment of a group and shall submit the written consent of each active member of the group to the addition thereto of such applicant. Consent authority may be delegated to the group representative by all of the group members filing a power of attorney authorization for this purpose with the group representative and the department. The director shall approve or disapprove such application and issue appropriate determination, including the beginning of the calendar quarter as of which date such application, if approved, is effective, and including further any required change in the bonding amount, provided however that the new member shall not become an active member of such group until a new or revised surety bond, or deposit of approved municipal or other bonds, approved securities, or a combination thereof, or other forms of collateral security approved by the director, has been furnished equal to the bonding amount.

(E) If the group representative fails to pay, when due, any bill issued to it, separate bills shall be prepared and issued to each member of the group, pursuant to division (D)(3) of section 4141.241 of the Revised Code. In such event, failure to pay promptly in full all such individual billings, together with any applicable interest or forfeiture, shall be cause for termination of the group account. In addition, failure to comply with any determination increasing the group bonding amount, or ordering the market value of a deposit of approved municipal or other bonds to be made whole within thirty days of the mailing of such determination, shall be cause for termination of the group account. The director shall terminate the group account by determination prescribing that charges to such account shall cease to be made as of the end of the calendar quarter in which such determination is issued. Thereafter the group account shall terminate as of the date on which all billings outstanding against such account shall have been paid in full, together with any applicable interest or forfeiture.



(F) Termination of a group account, for whatever reason, does not excuse any employer from liability on account of charges for benefits paid after the date on which charges cease to be made to the group account. After collecting unpaid amounts charged to a group account from all available security of such account, the director may transfer amounts remaining unpaid to the reimbursing account or accounts of the employer or employers in default, in which event the group account shall be terminated.