



Ohio Administrative Code

Rule 4141-5-05 Work relief or work training program exclusion.

Effective: November 12, 2018

(A) "Employment" does not include service performed for a nonprofit organization, this state or its instrumentalities, a political subdivision or its instrumentalities, or an Indian tribe as part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision thereof, by an individual receiving such work relief or work training.

(B) In order for services to be excluded from employment under an unemployment work-relief program that is financed or assisted in whole or in part by any federal agency or an agency of a state or a political subdivision of a state, such program must have as a minimum the following characteristics:

(1) The employer-employee relationship is based more on the participants' and communities' needs than normal economic considerations such as increased demand or the filling of a bona fide job vacancy;

(2) Qualifications for the jobs take into account as indispensable factors the economic status, i.e., the standing conferred by income and assets, of applicants; and

(3) The products or services are secondary to providing financial assistance, training, or work-experience to individuals to relieve them of their unemployment or poverty or to reduce their dependence upon various measures of relief, even though the work may be meaningful or serve a useful public purpose.

(C) In order for services to be excluded from employment under an unemployment work-training program that is financed or assisted in whole or in part by any federal agency or an agency of a state or a political subdivision of a state, such program must have as a minimum the following characteristics:



(1) The employer-employee relationship is based more on the participants' and communities' needs than normal economic considerations such as increased demand or the filling of a bona fide job vacancy; and

(2) The products or services are secondary to providing financial assistance, training, or work-experience to individuals to relieve them of their unemployment or poverty or to reduce their dependence upon various measures of relief, even though the work may be meaningful or serve a useful public purpose.

(D) Such an unemployment work-relief or work-training program must also have one or more of the following characteristics:

(1) The wages, hours, and conditions of work are not commensurate with those prevailing in the locality for similar work;

(2) The jobs did not, or rarely did, exist before the program began (other than under similar programs) and there is little likelihood they will be continued when the program is discontinued;

(3) The services furnished, if any, are in the public interest and are not otherwise provided by the employer or its contractors;

(4) The jobs do not displace regularly employed workers or impair existing contracts for services.