

4123-17-07 **Officers of corporations, elective coverage entities, and ministers.**

(A) Definitions.

As used in this rule:

- (1) "Church" means an established and legally cognizable church, congregation, denomination, society, corporation, fellowship, convention, or association that is formed primarily or exclusively for religious purposes.
- (2) "Elective coverage persons" means a sole proprietor, a member of a partnership, a member of a limited partnership, an individual incorporated as a corporation with no employees, or an officer of a family farm corporation.
- (3) "Elective coverage entity" means a sole proprietorship, a partnership, a limited partnership, an individual incorporated as a corporation with no employees, or a family farm corporation.
- (4) "Family farm corporation" has the same meaning as defined in division (E) of section 4123.01 of the Revised Code.
- (5) "Minister" means a duly ordained, commissioned, accredited, or licensed minister, member of the clergy, rabbi, priest, or Christian Science practitioner.

(B) Officers of corporations.

- (1) The actual remuneration of an executive officer of a corporation, such as president, vice president, secretary, treasurer, and any other executive officer enumerated in and empowered by the corporate charter or any regularly adopted bylaws of the corporation and elected or appointed and empowered by the directors to perform duties for the corporation, shall be included in the payroll report of the corporation, subject to the weekly minimum and maximum provided in rule 4123-17-30 of the Administrative Code. Such remuneration shall be assigned to the classification applicable to the duties performed.
- (2) Paragraph (A)(1) of this rule shall not apply to family farm corporations. The remuneration of the officers of such corporation shall not be reported as part of the payroll of such employer, unless such employer elects to include as an "employee," within Chapter 4123. of the Revised Code, any of the officers of the family farm corporation, in which case the procedure outlined in paragraph (C) of this rule shall be applicable.

(C) Elective coverage entities.

- (1) Remuneration of elective coverage persons shall not be reported as part of the payroll of an elective coverage entity, unless that entity elects to include any such person as an employee.
- (2) Upon the filing of the notice required paragraph (E) of this rule, the actual remuneration of an elective coverage person shall be reported and included in the payroll report of the employer subject to the weekly minimum and maximum provided in rule 4123-17-30 of the Administrative Code. Such remuneration shall be assigned to the classification applicable to the duties performed.

(D) Ministers.

- (1) Division (A)(2)(a) of section 4123.01 of the Revised Code excludes from coverage ministers, assistant ministers, or associate ministers in the exercise of their ministry. The remuneration for such persons

shall not be reported as part of the payroll of a church employer, unless the church elects to include such persons as an employee.

(2) Upon the filing of the notice required paragraph (E) of this rule, the actual remuneration of a minister, assistant minister, or associate minister shall be reported and included in the payroll report of the employer. Such remuneration shall be assigned to the classification applicable to the duties performed.

(E) If an employer elects to include an elective coverage person or minister, assistant minister, or associate minister as an employee under paragraph (C) or (D) of this rule, the employer shall serve written notice to the bureau on a form prescribed by the bureau. After proper election and notice, elective coverage persons or ministers, assistant ministers, or associate ministers who sustain injuries or contract occupational diseases in the course of and arising out of employment shall be entitled to receive compensation and benefits as provided in Chapter 4123. of the Revised Code.

(1) Coverage for such persons shall not be effective until notice has been filed with the bureau.

(2) Coverage shall remain in effect, and the employer shall be responsible for the payment of premium thereon, until the bureau receives written notice from the employer requesting termination of coverage for the elective coverage persons or ministers, assistant ministers, or associate ministers, or until terminated by the bureau pursuant to paragraph (E)(3) of this rule.

(3) An employer's failure to pay premiums timely shall terminate coverage for its elective coverage persons or ministers, assistant ministers, or associate ministers. In the event of termination of coverage for non-payment of premium, an employer may reinstate elective coverage only upon the filing of a subsequent election form. Reinstatement of coverage shall be effective only upon receipt of the executed form and payment of premium. No retroactive coverage may be granted except as provided in rule 4123-14-03 of the Administrative Code.