

October 2020 BWC News for Public Employers from CareWorks Comp

*“Three things cannot long be hidden: the sun, the moon, and the truth.”
~Confucius*

We all know that the spread of Coronavirus (COVID-19) is an escalating global health concern. CareWorks Comp will continue to support our clients' workers' compensation and unemployment compensation needs. For the most current and up-to-date information from the Ohio BWC regarding COVID-19 topics, please visit the BWC's website at: [BWC COVID-19 Information](#)

BWC Board Approves 2nd Dividend this Year to Ease COVID-19 Financial Impact

On September 25, 2020, the Board of Directors of the Ohio BWC approved yet another employer “Billion Back” dividend. This approximately \$1.5 billion dividend will be sent to Ohio employers near the end of October 2020, after first applying the dividend to any unpaid balances. The BWC's aim is to provide some immediate economic relief to employers amid the ongoing pandemic.

This dividend equals approximately 100% of the premiums paid in policy year 2019. (This would be January 1, 2019 to December 31, 2019 for public employers and July 1, 2019 to June 30, 2020 for private employers.) Dividends like this, as well as previous ones, are possible because of strong investment returns on employer premiums, a declining number of claims each year, prudent fiscal management, and employers who work hard to improve workplace safety and reduce injury claims. Employers who did not complete their 2019 policy year True Up **may be** ineligible to receive this Billion Back Dividend.

“Thank you to the BWC Board of Directors for approving a second round of dividends for Ohio employers,” said Governor DeWine. “The pandemic continues to impact businesses across Ohio, and we hope that this next round of dividends provides financial relief.”

“We're grateful our strong fiscal position allows us to assist our business community during these unprecedented times,” said BWC Administrator/CEO Stephanie McCloud. “However, this means in all likelihood we will not issue a dividend in 2021.”

Important Public Employer Deadlines:

- **October 31, 2020:** BWC mails Notice of Estimated Annual Premium for 2021 Policy Year.

- **November 15, 2020:** Deadline for deferred payment option for 2021 Policy Year.
- **November 15, 2020:** Last date employer can change installment plan for 2021 Policy Year.
- **November 30, 2020:** DFSP, ISSP, and Transitional Work Bonus application deadlines for 1/1/2021 start date.

Let's Learn: Important BWC Acronyms

- **RTW: Return to Work**—The date when the injured worker has returned to employment.
- **TTD: Temporary Total Disability**—Compensation paid by the Ohio BWC to an injured worker who is totally disabled from employment on a temporary basis.
- **MMI: Maximum Medical Improvement**—The point where the allowed conditions in the claim have stabilized and no improvements and/or changes can be expected with reasonable medical probability.
- **IW: Injured Worker**—The employee who has filed a workers' compensation claim with the Ohio BWC.
- **EOR: Employer of Record**—A term that both the Ohio BWC and the Ohio Industrial Commission use in describing who the employer is of the injured worker that filed the workers' comp claim.
- **DOI: Date of Injury**—The calendar date that the employee sustained the injury.

House Bill 81: Important BWC Changes

Governor Mike DeWine has signed H.B. 81 and it became effective Sept. 15, 2020. H.B. 81 creates several important changes to Ohio Workers' Compensation Law including:

- Reduces the statute of limitations for filing an application for Violation of Specific Safety Requirement (VSSR) to one year from the date of injury or occupational disease from two years. The new limit will apply to all claims occurring on or after Sept. 15, 2020.
- Settlement of state fund claims can no longer be objected to by the state fund employer if both of the following apply: (a) the employee is no longer employed with the employer and (b) the claim is no longer within the date of impact for the employer's experience rating.
- In certain circumstances, expands the time you have to appeal an Industrial Commission decision from 60 days to 150 days for claims pending on or arising after September 29, 2017.
- Increases the maximum amount of reimbursable funeral expenses in death claims from \$5,500 to \$7,500.
- The Industrial Commission may now invoke continuing jurisdiction from within five years from the date medical services were provided or services rendered, rather than the date of payment. The change will apply to all claims occurring on or after July 1, 2020.
- While testing of peace officers, firefighters, emergency medical workers, and corrections officers exposed to blood and bodily fluids on the job is already covered by workers' comp, H.B. 81 expands that coverage. Beginning September 15, 2020, ORC 4123.026 extends payments of post-exposure

testing to employees of detention centers and includes exposure to drugs or other chemical substances.

H.B. 81: Changes with “Voluntary Abandonment”

In addition to the changes listed above, H.B. 81 also has reframed the conversation around whether a claimant has “voluntarily abandoned” his or her job. Prior to this recent decision, the voluntary abandonment case law offered an option to stop disability benefits (temporary total compensation “TT” and permanent total compensation “PTD”) if a claimant retired, quit or was terminated due to violation of a known work policy.

The new legislation removes language surrounding “voluntary abandonment” and instead replaces it with a general guideline that PTD (ORC 4123.58) and TT (ORC 4123.56) may not be payable if the claimant “is not working for reasons unrelated to the allowed injury or occupational disease”. This applies to all claims pending on and arising after 9/15/2020.

What does this mean for an employer? While voluntary abandonment language has been removed from ORC 4123.56 and ORC 4123.58, the discussion will now focus on whether the claimant’s disability is related to the allowed conditions. This leaves the question of “voluntary abandonment” up in the air until this new legislation is tested and applied to real world Industrial Commission hearing determinations. This will give us guidance on how the Industrial Commission intends to interpret and apply this statute.

In short, this legislation change is being closely watched by all parties participating in the workers’ compensation system. Attorneys for both sides of the conversation will provide recommendations and guidance as we navigate this change.

Upcoming Ohio BWC Virtual Classes

BWC will be offering a small number of live, interactive, half-day and full-day classes virtually during the COVID-19 pandemic. All classroom classes have been cancelled for 2020, and classroom cancellations will likely extend to most of the fiscal year ending June 2021. Virtual training will provide an opportunity for students to learn remotely, while still ensuring the safety of Ohio employers. All credits associated with a training class scheduled at a physical location, will also be provided to any virtual training classes.

How to register

Visit the BWC Learning Center at www.bwclearningcenter.com. Enroll as normal to any course that has a section listed as virtual. You will be contacted by email 2-3 days before training and invited to a WebEx training event if registration and email are correct. More details and a URL will be provided at this time, along with a confirmation of intention of attendance. HAVE ANY QUESTIONS OR ISSUES? CONTACT: dshcc@bwc.state.oh.us

BWC Online E-Courses Available Anytime

Another option for employers to fulfil the two-hour Safety Training requirement is to complete online e-courses via the BWC's Learning Center. Your online training MUST total 2 hours in order for your 2020 policy year Group/Group Retro safety training requirement to be met. For a complete list of BWC Learning Center online e-courses, go to: [BWC Learning Center Login](#) NOTE: Certificates of Completion should either be emailed to twohourtraining@careworkscomp.com or faxed to (614) 495-5200 so that CareWorks Comp may track the fulfillment of this requirement.

Unique “For Credit” BWC Webinars Coming Up

The Ohio BWC is hosting unique and helpful webinars in the months to come. For more information, go to the Division of Safety & Hygiene-Ohio BWC Learning Management System website at www.bwclearningcenter.com. Login or create a new account and click on *Catalog Webinars (For Credit)* on the Home Page. The following are the webinars planned for October, November, and December 2020:

Drones: Safety Tools in the Sky. October 7, 2020 from 10:30am – 11:30am

What Would You Do? Can We Rely on Common Sense. November 10, 2020 from 1:30pm – 2:30pm

Need Help with Environmental Regulations? December 3, 2020 from 1:30pm – 2:30pm

To receive one hour of online training credit for BWC Programs, provide a BWC policy number during registration.

Ohio BWC – Better You, Better Ohio! Webinars for Employers

The BWC is offering [Better You, Better Ohio!](#)[®] – a program that provides health and wellness resources and services to workers who work for small employers (150 or fewer workers) in certain industries. The program is designed to help both workers and their employers at no cost and through a simple, paperless process. The BWC is holding two 30-minute webinars in October and you can register here (click on the link) - [Better You Better Ohio – Wednesday October 14, 2020 10:00 AM EDT](#) or [Better You Better Ohio – Tuesday October 27, 2020 1:00 PM EDT](#) to learn how your employees can get healthier and be eligible for up to \$175 in financial incentives.