

EMPLOYMENT SERVICES ALERT

2/20/14

Ohio Industrial Commission and Bureau of Workers' Compensation Update Wage Loss Compensation Rules

Effective February 13, 2014, the Industrial Commission (IC) and Bureau of Workers' Compensation (BWC) have enacted a new joint rule for the processing and adjudication of requests for wage loss compensation. In response to the Governor's Common Sense Initiative and with input from stakeholders, these agencies have revamped existing regulations with an emphasis on plain language. Ohio Administrative Code (OAC) Section 4125-1-01 is now a more fluid recitation of the requirements that must be met for an injured worker to receive wage loss benefits – both working and non-working – under Ohio Workers' Compensation law.

Historically, wage loss compensation was created as a tool to encourage injured workers to return to work. In general, it is payable when an injured worker returns to work and earns less money than at their former position of employment due to their allowed injury or the injured worker cannot find work consistent with their medical restrictions. Essential to an injured workers' wage loss application is the need to provide supporting medical evidence and job search documentation.

With the new OAC 4125-1-01, notable changes encompass guidelines for on-line job searches, including submission of the on-line posting, verification of the application submission, and the result of the contact. Another change is the codification of case law exceptions in regards to supplemental job searches and the seeking of medical treatment during work hours. Additionally, self-insured employers are now mandated to adjudicate initial and subsequent requests for wage loss compensation within thirty days after receiving the requests and file copies of their decisions regarding such applications with the BWC or IC for placement in the claim file.

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