

Publications

Labor and Employment Alert: Legislation Makes Important Workers' Compensation Changes

Related Services

Labor and Employment

CLIENT ALERT | 9.20.2017

On June 30, Governor Kasich signed Sub. H.B. 27, the BWC Budget Bill. As its title suggests, the legislation approved funding for the Ohio Bureau of Workers' Compensation (BWC). It also made a number of substantive changes to the Ohio workers' compensation law, many of which will become effective on September 29.

Those changes include:

- The time for filing a claim for an injury or death will be reduced from the current **two years** from the date of injury or death to **one year**. This is one of the provisions that will become effective on September 29, 2017. [R.C. 4123.82];
- Either party to a workers' compensation claim will be able to extend the time for filing an appeal into court for up to **150 days**, unless the other party to the claim files an objection with the Industrial Commission. The employer or the claimant could file a notice of intent to settle within 30 days after receipt of a final appealable order or the commission's refusal order, which will extend the court filing time. If there is an objection, the traditional 60 day appeal period remains in effect. This means that prior to incurring the initial court costs and, in state fund claims, prior to the attorney general's office becoming involved, the parties may buy time to try to resolve a claim through settlement. [R.C. 4123.512];
- Amounts paid in settlement in state fund claims will be considered an award of compensation for purposes of handicap reimbursement. Currently, such amounts are not considered compensation. An employer who received a substantial handicap reimbursement saw its premium rates increase when the attorney general settled a claim because the amounts paid for the settlement went into the reserves without a handicap discount. This change removes a disincentive to settlement. [R.C. 4123.343]; and
- Also in state fund claims, the BWC administrator will be permitted to waive the scheduling of the 90-day medical examination for good cause, unless the employer objects.

Those are a few of the highlights of the changes in the law. For more details, please contact your Vorys workers' compensation lawyer.

