

**Robert A. Minor
52 East Gay Street
Columbus, Ohio 43215**

June 4, 2019

VIA E-MAIL

Honorable Scott Oelslager
Chair of the House Finance Committee
Ohio House of Representatives

Re: H.B. No. 80
Workers' Compensation Budget
Comments of the Ohio Self-Insurers Association

Dear Mr. Oelslager:

I am the Executive Secretary of the Ohio Self-Insurers Association (OSIA) and would offer the following comments for consideration by the House Finance Committee on H.B. No. 80 and, specifically, the recently added amendments.

Post-Traumatic Stress Disorder (PTSD)

The OSIA has reviewed the testimony of the Ohio Chamber of Commerce given last week and concurs in the concerns expressed by the Chamber and in the recommendation that further study and analysis be undertaken before such a monumental change is made to the Ohio workers' compensation law. At the very least, consideration should be given to the types of gatekeepers that other states have used to insure that the mental condition at issue is the result of work-related stress.

Settlement

At lines 1181-1190 of the bill, an employer's rights with regard to a settlement are adversely affected. At lines 1181-1187, an employer may not object to the settlement of a state fund claim if the claim is no longer in the employer's experience for rate-making purposes. This would have the effect of permitting an injured worker to settle a workers' compensation claim that had been filed against her current employer. Workers' compensation is valuable protection for an injured worker and it is protection that is purchased by the employer through the payment of premiums. Many employers want to have that protection in place and not have its workers' compensation program viewed as some form of account from which money can be withdrawn. Further, if a claim is settled by an active employee, the employer would be at risk of a second claim

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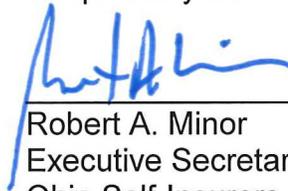
being filed for the same part of the body and, thus, be subjected to double liability. Lines 1188-1190 preclude an employer from requiring a resignation as an incident of settling a claim. Irrespective of whether as a practical matter that provision would be enforceable, it is not clear why a workers' compensation budget bill should include matters that are essentially labor relations issues.

Sick Leave Reimbursement

Lines 927-934 appear to provide that an employer who pays sick leave or salary continuation or short-term disability might not be entitled to the current statutory offset for such benefits against temporary total disability compensation. This could result in the injured worker being doubly compensated.

It is the recommendation of the OSIA that the PTSD provisions be deleted from the bill and be the subject of additional study and consideration as set forth in the testimony of the Ohio Chamber of Commerce. Further, the OSIA recommends that, at a minimum, an employer be permitted to object to a settlement of a state fund workers' compensation claim involving an active employee and that lines 1188-1190 be deleted. Finally, the OSIA recommends that the provisions regarding sick leave be rewritten to eliminate the possibility of an employee's double recovery. Thank you for the opportunity to comment.

Respectfully submitted,



Robert A. Minor
Executive Secretary
Ohio Self-Insurers Association

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