



HOUSE BILL 447 – WORK-FROM-HOME WORKERS’ COMPENSATION CLAIMS

WRITTEN PROPONENT TESTIMONY

OHIO HOUSE INSURANCE COMMITTEE

JANUARY 26, 2022

Chairman Brinkman, Vice-Chair Lampton, Ranking Member Miranda, and members of the Ohio House Insurance Committee, I am writing on behalf of the nearly 22,000 governing members of the National Federation of Independent Business in Ohio (NFIB) to lend our support for House Bill 447.

House Bill 447 is a proactive measure ensuring Ohio’s workers’ compensation system continues to provide adequate and fair treatment for injured employees while also granting certainty to Ohio businesses with work-from-home employees. The COVID-19 pandemic has altered the face of work for most companies. As a result, many employees across all sorts of industries now perform their work remotely on either a permanent or hybrid basis. It is extremely likely the percentage of workers who perform their job remotely will only continue to increase in the future.

House Bill 447 seeks to address this trend by establishing a simple three-prong test to more accurately determine the rationality of work-from-home injury claims. When an employee is no longer spending their workday in the controlled confines of their place of employment but rather at their home, the employer loses control over the vast majority of risks involved. Thus, the potential of frivolous non-work-related claims is dramatically increased. This puts employers at risk of facing expensive claims, even though they had little to no control over the contributing factors of the injury.

Current Ohio law allows work-from-home injuries to be compensable just the same as those in the workplace. House Bill 447 creates a separate and distinct framework for delineating between the two types of “workplaces” and thus enables a more thorough examination of at-home injury claims. Each claim will continue to be heard and adjudicated by the Ohio Bureau of Workers’ Compensation.

NFIB members come from all industry sectors in all 88 counties across Ohio. Our average member employs 15 or fewer and has less than \$2 million in gross receipts. If allowed, one frivolous claim against their workers' compensation experience can result in immense costs to the business through increased premium rates, loss of group rating participation, and the loss of other savings programs. It is paramount all injury claims filed by employees are a result of their employment and the cause of the sustained injury was directly related to their job duties. House Bill 447 will provide a clearer standard of certainty and accuracy to the adjudication process of such claims, and we strongly urge passage of the bill.

Thank you for the opportunity to provide written proponent testimony. Please feel free to contact me with any questions the committee may have.

Sincerely,

A handwritten signature in black ink, appearing to read "Cameron J. Garczyk". The signature is fluid and cursive, with the first name "Cameron" being the most prominent.

Cameron J. Garczyk
Member Benefits Program Manager