



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 447
134th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Lampton

Paul Luzzi, Attorney

SUMMARY

- Prohibits a work from home employee from receiving workers' compensation unless specific circumstances apply.

DETAILED ANALYSIS

Workers' compensation and work from home employees

The bill prohibits an employee who performs the employee's duties in a work area that is located within the employee's home and that is separate and distinct from the location of the employer (a work from home employee) from receiving compensation or benefits under the Workers' Compensation Law,¹ unless all of the following apply:

- The employee's injury or disability arises out of the employee's employment.
- The employee's employment necessarily exposes the employee to conditions that substantially contribute to the risk of injury or disability.
- The injury or disability is sustained in the course of an activity undertaken by the employee for the exclusive benefit of the employer.²

Currently, the law does not distinguish between an injury sustained by an onsite employee and an injury sustained by a work from home employee. An employee, or the employee's dependents, may receive compensation or benefits for injury or death sustained or occupational disease contracted in the course of and arising out of employment wherever the

¹ R.C. Chapters 4121, 4123, 4127, and 4131.

² R.C. 4123.01.

injury or death occurred or occupational disease was contracted.³ Generally speaking, the test for whether an injury was sustained in the course of and arising out of employment is whether a “causal connection” exists between the injury and the employment. The casual connection can arise from the employee’s activities, the employment conditions, or the employment environment. Whether sufficient causal connection exists depends on the totality of the facts and circumstances of each case, including, but not limited to, the following:

- The proximity of the scene of the accident to the place of employment;
- The degree of control the employer had over the scene of the accident;
- The benefit the employer received from the injured employee’s presence at the scene of the accident.⁴

One Ohio court has held that a switchboard operator who lived in the building that housed the switchboard was eligible for compensation and benefits under the law after sustaining an injury during work hours. According to the court, the employee sustained the injury while engaged in an activity not expressly covered by the employment contract. However, based on the totality of the circumstances, the court found that the activity was incidental to the contract’s execution and the injury was compensable.⁵

HISTORY

Action	Date
Introduced	10-06-21

H0447-I-134/ts

³ R.C. 4123.54(A), not in the bill.

⁴ *Fisher v. Mayfeild*, 49 Ohio St.3d 275, 276-277 (1990).

⁵ See *Bremner v. Industrial Com.*, 63 Ohio App. 387, 396 (11th Dist. 1938).