

## Coronavirus (COVID-19) Frequently Asked Questions

To minimize the spread of coronavirus (COVID-19) and continue business operations, our BWC staff is now teleworking. While we may be operating from a different physical location, we do not currently anticipate major issues with continuing to provide our employers, injured workers, and the many others we serve, with service. Phone numbers and email addresses for our customer service representatives remain the same.

We are monitoring the situation closely and will provide updates as necessary. We know you may have questions that we are just not able to immediately answer. We promise to keep you updated and share information as we have it. In the meantime, thank you for your patience as we all work through COVID-19 together.

For the latest information on coronavirus (COVID-19) visit [coronavirus.ohio.gov](https://coronavirus.ohio.gov). For questions about COVID-19's effect on BWC not listed here, you can email [BWCCOVID19@bwc.state.oh.us](mailto:BWCCOVID19@bwc.state.oh.us).

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**Note to Medical Providers:** BWC has developed an FAQ document specifically for medical providers that addresses COVID-19 issues. To download, click [here](#).

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### Frequently Asked Questions

*Note: This is a "living" document. The following is updated routinely to reflect our most recent policy changes and initiatives, with new Q&As at the end.*

#### Claims and Policy Processing

**Q 1: What is BWC doing to help employers during this unprecedented time?**

A: At the request of Ohio Governor Mike DeWine, we are sending up to \$1.6 billion to Ohio employers to ease the economic impact of the coronavirus (COVID-19) on Ohio's economy and business community. This dividend equals approximately 100% of the premiums employers paid in policy year 2018. BWC will apply the dividend to an employer's outstanding balances first, including the recent installment deferrals. Any amounts exceeding outstanding balances will be sent to the employer. For those employers, it means one less bill to worry about. As in previous years, the dividend is possible due to strong investment returns on employer premiums, a declining number of claims each year, and prudent fiscal management. It's also due to employers who work hard to improve workplace safety and reduce injury claims. Even with the downturn in the market, BWC is able to provide this important dividend to employers while maintaining funds to take care of injured workers for years to come. All checks will be issued by the end of April. **Employers: For frequently asked questions about the dividend, [visit this link](#).**

**Q 2: Will BWC allow employers to delay installment payments due to COVID-19's hardship?**

A: Prior to the announcement of the \$1.6 billion dividend mentioned above, we were allowing unpaid insurance premium installment amounts due for March, April, and May for the current policy year to be deferred until June 1, 2020. The dividend changes that. We will apply the dividend to an employer's outstanding balance first, including the March, April, and May deferrals, then send a check

for the difference. Please note: BWC did not and will not lapse (cancel) coverage or assess penalties for amounts not paid in March, April and May.

**Q 3: How does BWC's deferral of premium installment payments apply to state fund employers that are Professional Employer Organizations (PEOs)?**

A: PEO employers are required to report actual payroll and pay premiums on a monthly basis, but as state fund employers operating under the COVID-19 climate, they may defer reporting and payments for March and April until June 1st, 2020. As for the May payroll report and premium payment, it will be due as normally scheduled, on or before June 15, 2020. The deferral is automatic, there is no "opt in" requirement to take advantage of this option. Please note this scenario may change as the matter will be reconsidered for direction after June 1, 2020.

**Q 4: How does this impact state fund clients of PEO employers?**

A: A client of a PEO employer must maintain active workers' compensation coverage throughout the duration of any type of PEO agreement. Client employers will be treated the same as all other state fund employers and will have the option to defer payments until June without a lapse in coverage.

**Q 5: If I contract COVID-19, is it a compensable workers' compensation claim?**

A: It depends on how you contract it and the nature of your occupation. Generally, communicable diseases like COVID-19 are not workers' compensation claims because people are exposed in a variety of ways, and few jobs have a hazard or risk of getting the diseases in a greater degree or a different manner than the general public. However, if you work in a job that poses a special hazard or risk and contract COVID-19 from the work exposure, BWC could allow your claim.

**Q 6: If I am quarantined due to COVID-19 can I receive workers' compensation wage replacement benefits?**

A: BWC can only pay compensation in an allowed claim for disability resulting from the allowed conditions. An executive order issued by Governor DeWine however, expands flexibility for Ohioans to receive unemployment benefits during Ohio's emergency declaration period. For more information on unemployment benefits go to: the [Ohio Department of Job and Family Services](#).

**Q 7: Are you making determinations on new claims?**

A: Yes. Our staff will be teleworking and have access to our systems.

**Q 8: How will my benefits be extended when my doctor's office is closed, and they haven't completed my Medco-14?**

A: BWC and the Managed Care Organizations are working with your physicians to ensure medical care and any necessary paperwork are completed so that benefits can continue uninterrupted. You may want to check with your treating provider to determine if telemedicine is available. Telemedicine can be an effective treatment tool and can be used when a new MEDCO-14 is needed.

**Q 9: Will my benefits be extended if I am participating in a rehab program?**

A: BWC is working with the vocational rehabilitation providers to ensure that those injured workers who are participating in a rehab program have the necessary documentation submitted to continue benefits.

**Q 10: Will my wage loss benefits be discontinued if I'm unable to complete the job searches?**

A: BWC will be working with injured workers to complete online job searches. Information about job postings is also available on the [JobSearch.Ohio.Gov](#) website. We encourage individuals who have been affected by COVID-19 to visit the website and apply for a position. Job search activities could

also include the injured worker submitting resumes, taking online interviewing or resume tutorials, or working on sharpening their interview skills.

**Q 11: I have an Independent Medical Exam (IME) scheduled and it has been cancelled, will my benefits be suspended?**

A: No, your benefits will not be suspended. If you need to cancel the exam there will be no penalty for doing so. In the future, you will be notified of a rescheduled date.

**Q 12: How will BWC be handling 90-day and extent of disability IMEs?**

A: BWC has resumed scheduling examinations. We are asking injured workers and examining physicians to follow protocols outlined by the Ohio Department of Health to ensure the health and well-being of all who enter the facilities. However, if injured workers prefer to schedule their examination at a later date due to COVID-19 concerns, no penalties will be assessed.

**Q 13: Will I be able to speak with my claim representative?**

A: If you are represented by an attorney, call your attorney first. Staff will be monitoring voice mail on a limited basis, but the most efficient method of communication will be via email messaging. The email address for your claims service specialist (CSS) can be found on the bottom of any correspondence you have previously received or look up your claim [here](#). For general questions, you may also call our call center at 1-800-OHIOBWC.

**Q 14: What happens if my claim is denied or my employer does not agree with my claim?**

A: Parties to the claim can still file an appeal if they disagree with the decision on a claim. The Ohio Industrial Commission (IC) will continue to have hearings. For the latest information visit the IC website at [www.ic.ohio.gov](http://www.ic.ohio.gov).

**Q 15: Will my Ohio Industrial Commission hearing be cancelled?**

A: Please feel free to visit the IC website at [www.ic.ohio.gov](http://www.ic.ohio.gov) to view updated information and press releases.

**Q 16: Will I be able to pick up a check for a compensation payment in a local service office?**

A: After March 18, 2020, you will no longer be able to pick up your check from a local service office. We will address requests for overnight delivery on a case by case basis.

**Q. 17: I have questions about the electronic delivery of my benefits, but I can't reach Key Bank. Where do I turn?**

A. Key Bank is BWC's vendor that provides electronic delivery of funds through electronic fund transfers (EFT) and electronic benefit transfer (EBT) cards to our workers' compensation claimants. Key Bank's call center is currently experiencing an extremely high call volume that has resulted in difficulty reaching a Key Bank agent. Key Bank has notified BWC of this issue and has assured BWC they are taking corrective steps. Meanwhile, if you continue having difficulty reaching Key Bank, try calling Key Bank's call center during off hours. Their call center is currently open 24/7, and call volume is much lower outside normal business hours.

**Q 18: How will BWC handle additional allowance and Temporary Total (TT) entitlement requests that would ordinarily require an IME?**

A: BWC continues to process additional allowance and TT entitlement requests but is using physician file reviews instead of in-person examinations whenever possible. In some cases, BWC will schedule an in-person examination. We are asking injured workers and examining physicians to follow protocols

outlined by the Ohio Department of Health to ensure the health and well-being of all who enter the facilities.

**Q 19: How is BWC addressing C-92 applications?**

A: BWC has resumed scheduling examinations. We are asking injured workers and examining physicians to follow protocols outlined by the Ohio Department of Health to ensure the health and well-being of all who enter the facilities. However, if injured workers prefer to schedule their examination at a later date due to COVID-19 concerns, no penalties will be assessed.

**Q 20: Will BWC be extending program reporting/requirement completion deadlines?**

A: BWC is waiving all safety education and training requirements for this policy year (July 1, 2019 - June 30, 2020 for private employers) for participants in the following programs:

- Drug Free Safety Program.
- EM Cap Program.
- Grow Ohio.
- Industry Specific Safety Program.
- One Claim Program.
- Policy Activity Rebate Program.

Calendar year 2020 public employer program participant requirements will be reviewed in June.

Discounts offered through these programs will be applied automatically.

Additionally, the annual report deadline submission for Drug Free Safety Program participants has been extended to June 1, 2020. More on these programs can be found at [bwc.ohio.gov](http://bwc.ohio.gov).

**Q 21: Will BWC be suspending audits of self-insuring (SI) and state fund (SF) employers?**

A: Yes, BWC has suspended face-to-face audits for both SI and SF employers. Paper and virtual audits will continue. We will be issuing temporary certificates to SI employers.

**Q 22: What are employers supposed to do about the classes that were cancelled? What about the ½ day classroom training?**

A: We have waived several requirements for many of our programs (see Q 20), but we encourage employers to take advantage of online classes while we continue to assess other training options.

**Q 23: Will BWC extend the public employer taxing district (PEC) true-up grace period that ended March 16?**

A: BWC is reviewing policy and legal requirements pertaining to this issue.

**Q 24: Is emergency sick leave and expanded FMLA paid to employees under the Families First Coronavirus Response Act reportable when submitting true-up payroll?**

A: No. Emergency sick leave and expanded FMLA paid to employees under the Families First Coronavirus Response Act are not reportable to BWC for premium purposes. While regular paid sick leave (including third-party sick pay) is reportable to BWC, emergency sick leave and expanded FMLA paid under this act are not reportable.

Effective April 1, 2020, through Dec. 31, 2020, wages companies pay under the act for sick leave related to COVID-19 are not reportable to BWC. Also, leave time to care for a child whose school or childcare provider is closed or unavailable for COVID-19-related reasons is not reportable to BWC.

Employers must follow the federal government’s eligibility and documentation guidelines to exclude these wages from their reportable payroll and premium calculation at true-up. Wages reported to BWC for premium calculation purposes are subject to verification by a premium audit.

**Q 25: How will employers report wages at true-up for operational employees who are teleworking as a result of Governor Mike DeWine’s “stay at home” order while receiving wages from the employer?**

A: To ease the economic impact of the COVID-19 crisis on businesses, private employers may report operational staff currently teleworking to class code **8871 – Clerical Telecommuter** during a declared state of emergency. For public employer taxing districts, we are creating a new class code, **9420- Public Employee Clerical Telecommuter**, to report operational staff currently teleworking.

- The employer must contact BWC to request the addition of classification code 8871 – Clerical Telecommuter for private policies and 9420- Public Employee Clerical Telecommuter for public employer taxing districts to their policy. This will allow the employer to report teleworking wages to class code 8871 or 9420 during the true-up period. NOTE: Since we are in the process of creating the new class code for public employers, the class code will not be available to add to your policy until after July 1, 2020. This will be available to add to your policy prior to the true-up period for public employers.
- Sole Proprietors and Partners who have elective to cover themselves will continue to report their wages to the assigned operating class code.
- Private employer staff currently reported under class code 8810-Clerical will continue to be reported under class code 8810, not 8871.
- The employer is responsible for recording, tracking, and documenting the wages associated with the operational employees now teleworking for premium audit purposes.
- If a worker continues to perform the same duties from home while teleworking, the employer will continue reporting that worker’s wages to the appropriate operational classification code, not to class code for teleworking.
  - For example: the employer manufactures surgical masks. The employer has sent workers home with the equipment and materials to continue making masks. These workers are not 8871 Clerical Telecommuter employees. They would remain under classification **2501 – Cloth, canvas and related products manufacturing**. The exposures for them do not change.
- If the worker performs their regular duties on an intermittent basis, such as working on the employer location Monday, Wednesday and Friday and is paid to stay home Tuesday and Thursday, all wages are to be reported to the operating class code and not to class code 8871.
- This temporary revision to the class code assignment rule only applies during the time of Governor DeWine’s “stay at home” order, which he initiated March 15, 2020.
- The employer is to cease reporting operational employees’ wages to teleworking class code 8871 or 9420 once the “stay at home” order has ended or if the operational employee(s) return to performing their previous job duties.

To request the addition of class code 8871 Clerical Telecommuter or 9420 for public employer taxing districts to your policy, please call 1-800-644-6292 or send an email to [RTSclass@ohiobwc.com](mailto:RTSclass@ohiobwc.com). Remember to include your policy number in your email request.

**Q 26: How will BWC address late payments for Self-Insured employer assessments?**

A: As you are aware, assessment payments for the July 1, 2019, to Dec. 31, 2019, period were due by Feb. 28, 2020. Normally, payments not received by the due date are subject to additional late payment penalty fees.

However, to provide financial relief to employers amid the coronavirus (COVID-19) pandemic, we are waiving the late payment penalty fees applicable to the semi-annual assessments that were due Feb. 28, 2020. We also are reimbursing employers who had submitted late payment penalty fees levied for the assessment period.

This waiver does not apply to future semi-annual assessment invoice payments. **It is only for the assessment period of July 1, 2019, to Dec. 31, 2019.**

**Q 27: Will BWC continue to assess increases in security and require Letters of Credit as a result of annual reviews?**

A: BWC is continuing its annual review of Self-Insured employers' workers compensation policies. A satisfactory review permits renewal for the next policy year. Results of initial reviews that indicate the need for additional security to be provided will be suspended for 90 days as a result of the COVID-19 pandemic.

In addition, though we continue our annual review of Self-Insured employers' workers' compensations policies, we are suspending assessing additional security for a 90-day period when reviews indicate a need. In such cases, we will issue temporary certificates of coverage with plans to re-evaluate prior to the end of the extended period.

**Q 28: I am a self-insuring (SI) employer or a client of a self-insuring Professional Employer Organization (PEO). Why don't I receive a dividend payment like the state fund employers?**

A: The recent dividend announcement was made possible for state insurance fund employers because of strong investment returns on the premiums BWC collects and lower than expected claims costs in recent policy periods. Self-insuring employers and self-insuring Professional Employer Organization(s) (PEO) do not pay premiums to the state insurance fund. Thus, the SI community has not provided the premium dollars that through the strong investment returns allow the payment of dividend dollars back to the state insurance fund premium payers.

SI assessments are used to cover the cost of the annual involvement of the BWC and the Industrial Commission in self-insured employer and claim issues as well as the cost related to previous SI employers that have defaulted on their workers' compensation claim obligations. These assessments are used within the year of collection with very little money available for investment. Any investment on SI provided money is used to lower the annual assessment rates.

**Q 29: Will employers who have suspended operations due to the COVID-19 who are paying employees while they are idle at home need to report the payments as payroll?**

A: No. Employers are not required to report to BWC the wages paid to employees who are idle at home because of the COVID-19 pandemic. We encourage employers to keep track of such payments, however, for purposes that might surface during potential audits.

**Q 30: Has BWC modified its delivery of care for injured workers through telemedicine and telephone services?**

A: Yes. BWC released three policy alerts to date to address the expanded use of telemedicine and telephone services.

- Policy alert [2020-01](#) announces a more flexible use of telemedicine and expands the site of care delivery to the injured worker's home, as well as relaxing the requirements for using a secure platform of communication. It also reduces some administrative burden to notify or request additional authorization from the managed care organization (MCO) to change the care-delivery method.
- Policy alert [2020-02](#) permits telephonic communication as a temporary substitute for some vocational rehabilitation services.
- Policy alert [2020-03](#) expands the service providers eligible to provide and bill for virtual check in and/or telephone services (audio only).

*Please continue to monitor [bwc.ohio.gov](http://bwc.ohio.gov) for updated information.*