

## Coronavirus (COVID-19) Frequently Asked Questions

To minimize the spread of coronavirus (COVID-19) and continue business operations, our BWC staff is 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).

**Last updated at 8/10/2020 5:08 PM**

**New!** See Q 2 about COVID-19 claims and experience rating.

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

**Face Coverings for Employers and Workforce:** For FAQs related to our [Protecting Ohio's Workforce — We've Got You Covered](#) plan, [visit this link](#).

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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, in late April we sent 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 applied the dividend to an employer's outstanding balances first, including the recent installment deferrals. Any amounts exceeding outstanding balances were 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 were issued by the end of April. **Employers: For frequently asked questions about the dividend, [visit this link](#).**

**Q 2: Will BWC exclude the cost of claims related to COVID-19 from experience rating?**

A: As of Aug. 10, 2020, BWC has not decided whether to exclude the cost of allowed COVID-19 claims from an employer's experience calculation. BWC is still evaluating the impact, costs, and longevity of COVID-19. With these unknowns, BWC is not prepared to make a decision at this point.

Since the Public Employer – State Agencies program operates on a pay-as-you-go basis, BWC will include any costs related to COVID-19 claims in the development of their contribution rates.

**Q 3: Will BWC allow employers to delay installment payments due to COVID-19's hardship?**

A: To ease the continuing financial impact on Ohio businesses due to the COVID-19 pandemic, BWC is deferring installment payments for Policy Year 2020 for June, July, and August to Sept. 1, 2020. If employers are able to follow the normal installment payment scheduled due date, such payments may still be submitted. BWC will not lapse coverage or assess penalties for unpaid installments during this deferral period.

We previously deferred installments for March, April, and May until June 1, 2020. Following that decision, we gave Ohio employers nearly \$1.6 billion in dividends, but for most employers, we first applied the dividends to the unpaid balance for March, April, and May.

**Q 4: 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 through July until Sept. 1, 2020. As for the August payroll report and premium payment, it will be due as normally scheduled, on or before Sept. 15, 2020. The deferral is automatic, there is no "opt in" requirement to take advantage of this option.

**Q 5: 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 Sept. 1 without a lapse in coverage.

**Q 6: 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 7: 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 8: Are you making determinations on new claims?**

A: Yes. Our staff is teleworking and has access to our systems.

**Q 9: 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 10: 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 11: Will my wage-loss benefits be discontinued if I'm unable to complete the job searches?**

A: BWC is working with injured workers to complete online job searches. Information about job postings is also available on the [JobSearch.Ohio.Gov](http://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 12: I have an Independent Medical Exam (IME) scheduled and it has been cancelled, will my benefits be suspended?**

A: If the examining physician has cancelled your examination, your benefits will not be suspended. Another examination will be scheduled at a later date.

**Q 13: 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.

**Q 14: 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 15: 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 16: 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 17: 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. 18: 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 19: 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 20: 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 21: 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.

Discounts offered through these programs will be applied automatically.

Public Employers (PEC) participating in the One Claim or EM Cap programs for the Jan. 1, 2020 policy year will be permitted to complete the first year safety training requirements by completing three hours of online training by the last business day of September 2020.

Private Employers (PA) participating in the Drug-Free Safety Program, One Claim or EM Cap programs for the July 1, 2020 policy year will be permitted to complete online safety training to satisfy in-person training.

More on these programs can be found at [bwc.ohio.gov](http://bwc.ohio.gov).

**Q 22: 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 23: 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 24: Will BWC extend the public employer taxing district (PEC) true-up grace period that ended March 16?**

A: We extended the grace period to June 1, 2020.

**Q 25: 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 26: How will employers report wages at true-up for operational employees who are teleworking as a result of Governor Mike DeWine's State of Emergency order (Executive Order 2020-01D) 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 created a new class code, **9444 - Public Employee Clerical Telecommuter**, to report staff currently teleworking.

- The employer must contact BWC to request the addition of classification code 8871 – Clerical Telecommuter for private policies and 9444 - 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 9444 during the true-up period.
- Sole Proprietors and Partners who have elected 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 the worker performs their regular duties on an intermittent basis, such as working at 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 or 9444.
- 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 the class code for teleworking.

- For example: the private 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.

#### **Examples relating to public employer taxing districts**

- Any public employees performing clerical duties while working from home are reportable to 9444 during the emergency period.
  - Public employee teachers who conduct classes on-line working from home are reportable to classification 9444 during the emergency period. If tutoring is done by the teacher away from the teacher's home, then their entire payroll is reported to the operational classification.
  - Public employee teachers who ended the previous school year working from home are reportable to 9444 during the emergency period, including summer break, and as long as the schools remain closed.
  - After a public school has students return to in-school classes, all payroll for teachers will be reportable to the operational classification code again.
- This temporary revision to the class code assignment rule only applies during the time of Governor DeWine's State of Emergency order, which he initiated March 9, 2020.
  - The employer is to cease reporting operational employees' wages to teleworking class code 8871 or 9444 once the State of Emergency 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 9444 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 27: 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 28: 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. BWC will perform its annual financial analysis in accordance with its normal procedures and financial analysis parameters. BWC has a responsibility to protect the Self-Insuring Employers Guaranty Fund (SIEGF) and is continuing to require Letters of Credit for Self-Insuring employers that are deemed to pose risk to the SIEGF.

**Q 29: 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 30: 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 31: 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).

**Q32: Will BWC reimburse for COVID-19 testing prior to an elective surgery?**

A: Yes. Generally, COVID-related testing would not be covered or reimbursable unless COVID-19 was allowed in the claim. However, BWC recognizes that an injured worker who is positive for COVID-19 may be at greater risk for negative surgical complications, such as deep vein thrombosis (DVT), secondary pulmonary infections, unexpected progression to acute respiratory distress syndrome, cardiac injury, kidney failure and even death following the scheduled surgery. Therefore, to enable the Managed Care Organization, surgeon and injured worker to determine if surgery postponement is appropriate and to prevent greater risk for negative health consequences during or following surgery, **one pre-surgical COVID-19 test may be authorized when the injured worker is scheduled for an inpatient or outpatient surgery to be performed at a hospital or Ambulatory Surgical Center (ASC).** For additional information regarding reimbursement for this testing, providers can refer to Policy Alert #2020-04.

**Q33: Will BWC extend the Public Employer Group-Experience Rating program roster filing deadline?**

A: Yes. Normally, PEC employers would need to apply for a group rating plan by the last business day of May (May 29th this year). We have approved an extension of this deadline to June 12, 2020, with consideration that many PEC may not have had the opportunity to perform normal work duties that would require attention to such applications and deadline dates.

**Q34: Will BWC extend the Private Employer (PA) Industry-Specific Safety Program (ISSP), Drug-Free Safety Program (DFSP) and Transitional Work Bonus (TWB) program enrollment deadlines?**

A: Yes. Normally, the deadline for PA employers to apply for ISSP, DFSP, and TWB would be the last business day of May (May 29th this year). We have approved an extension of this deadline to June 30, 2020, for new employers, as well as those employers who withdrew from the program previously, to apply for these programs with consideration that many employers may not have been working and able to submit applications timely.

**Q35: Is COVID-19 bonus pay to workers reportable when submitting true-up payroll?**

A: Yes, any form of bonus pay is considered reportable wages and therefore must be included in the true-up payroll. This includes bonus pay to essential workers' who are required or mandated to work during the COVID-19 pandemic and any increase in pay to working employees as an incentive to work during COVID-19.

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