



H.B. 623
126th General Assembly
(As Introduced)

Rep. Collier

BILL SUMMARY

- Allows an employee to continue to receive temporary total disability compensation or permanent total disability compensation under the Workers' Compensation Law if the employee is appointed or elected to a part-time public office that has an annual salary or other compensation of less than \$7,500 and that does not involve manual labor.
- Specifies that the continued receipt of such compensation applies only to claims arising on or after the bill's effective date.

CONTENT AND OPERATION

Temporary total disability compensation and permanent total disability compensation under the Workers' Compensation Law

Under the Workers' Compensation Law, "temporary total disability" (TTD) is a disability that temporarily prevents a worker from returning to the worker's position of employment. "Permanent total disability" (PTD) is an injured worker's inability to perform sustained remunerative employment due to allowed conditions in the worker's claim; the payment of permanent total disability benefits compensates the injured worker for impairment of earning capacity and is payable for life.

In the case of TTD, the injured employee *generally* receives two-thirds of the employee's average weekly wage, but not to exceed a maximum amount of weekly compensation equal to the statewide average weekly wage and not less than generally a minimum amount of weekly compensation equal to one-third of the statewide average weekly wage.¹ No payments can be made for any period

¹ "Statewide average weekly wage" means the average weekly earnings of all Ohio workers subject to the Unemployment Compensation Law as determined by the Director

when an employee has *returned to work*, when an employee's treating physician has made a written statement that the employee is capable of returning to the employee's former position of employment, when work within the physical capabilities of the employee is made available by the employer or another employer, or when the employee has reached the maximum medical improvement. (R.C. 4123.56(A).)

In the case of PTD, the injured employee receives compensation until his or her death equal to two-thirds of the employee's average weekly wage, but not to exceed *generally* a maximum amount of weekly compensation equal to two-thirds of the statewide average weekly wage and not less than generally a minimum amount of weekly compensation equal to one-half of the statewide average weekly wage (R.C. 4123.58(A) and (B)).

Changes made by the bill

The bill provides that, if an employee is awarded compensation for either TTD or PTD, the employee is entitled to receive that compensation regardless of the employee's election or appointment to a *part-time public office*, on the conditions that (1) the annual salary or other compensation the employee receives for fulfilling the duties of that office is \$7,500 or less and (2) the duties of the office do not require the employee to engage in manual labor. At no time can an employee's compensation for TTD or PTD be reduced by the amount of the salary or other compensation the employee receives for serving in that public office. (R.C. 4123.56(A) and 4123.58(G).)

The bill relatedly provides that, for purposes of the existing prohibition against the payment of PTD benefits when an employee has returned to work, "work" does not include serving in a part-time public office that pays an annual salary or other compensation of \$7,500 or less and that does not require the employee to engage in manual labor in order to perform the duties of that office (R.C. 4123.56(A)(2)).

of Job and Family Services on each September 1 for the four full calendar quarters preceding July 1. On each January 1, the current maximum weekly benefit amounts paid to TTD and PTD recipients must be adjusted based on the increase or decrease in the statewide average weekly wage. (R.C. 4123.62(C)--not in the bill.)

One exception to the discussed TTD benefit amount principles is that, for the first 12 weeks of total disability, the injured employee must receive 72% of the employee's full weekly wage, but not to exceed a maximum amount of weekly compensation equal to the lesser of the statewide average weekly wage or 100% of the employee's net take-home weekly wage.

Finally, the bill apparently applies only to claims for TTD and PTD benefits that arise on and after its effective date (Section 3).

HISTORY

ACTION	DATE
Introduced	06-29-06

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