

# Coronavirus (COVID-19) Frequently Asked Questions

As we move forward with our post-pandemic workplace, our BWC staff is implementing a hybrid model. While we may be operating from a different physical location, the way we conduct business with our employers, injured workers, and others we serve, will not change. Phone numbers and email addresses for our customer service representatives remain the same.

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](#).

**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, we issued nearly \$8 billion in dividends to Ohio employers throughout 2020 to ease the economic impact COVID-19 has caused on Ohio's economy and business community. (Read more about our [April](#), [October](#), and [December](#) dividends to learn specifics about each one.) As in previous years, the dividends were 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, we have provided these important dividends to employers while maintaining funds to take care of injured workers for years to come.

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

A: For the Private Employer and Public Employer- Taxing Districts, we have made the following change to OAC 4123-17-03 to exclude the cost of certain COVID-19 claims from experience rating.

*Actual losses where COVID-19 was contracted by an employee arising during the period between the emergency declared by Executive Order 2020-01D, issued March 9, 2020 and July 2, 2021 which is fourteen days after the Executive Order was repealed, shall be excluded from employer's experience for the purpose of experience rating calculations.*

As a result of the change to OAC 4123-17-03, the cost of the excluded claims will also be excluded from the claim costs used in the Individual Retrospective Rating and Deductible Rating plans.

A change to the Group Retrospective Rating Program rule OAC 4123-17-73 was made to exclude the COVID-19 costs as defined in OAC 4123-17-03 from the incurred losses.

For the Public Employer – State Agencies program that operates on a pay-as-you-go basis rather than an insurance basis, we 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: While installment payments were deferred until September 2020, normal installment payment due dates have resumed and continue for the Policy Year 2021.

**Q 4: How does BWC's deferral of premium installment payments apply to state fund employers that are Professional Employer Organizations (PEOs)?**

A: While installment payment deferrals applied to PEO employers similarly to non-PEO employers until September 2020, normal installment payment schedules have resumed and continue to be effective for Policy Year 2021.

**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. While client employers were able to participate in the allowance of deferred payments, normal payment schedules have resumed and continue for Policy Year 2021.

**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: 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](#) 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 10: 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 11: 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 12: Will I be able to speak with my claim representative?**

A: If an attorney represents you, call your attorney first. Staff has access to their phones and will continue to make calls and monitor voicemail messages every day. 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 13: 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 14: 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 15: Will I be able to pick up a check for a compensation payment in a local service office?**

A: Effective, July 6, 2021, you will be able to pick up your check from the William Green Building. We will address requests for overnight delivery on a case by case basis.

**Q. 16: 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. Key Bank's call center is open 24/7, and call volume is much lower outside normal business hours.

**Q 17: 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 18: Will BWC be extending program reporting/requirement completion deadlines?**

A: While safety education and training requirements during the pandemic were waived, normal program requirements and reporting have resumed and continue for Policy Year 2021.

**Q 19: Will BWC be suspending audits of self-insuring (SI) and state fund (SF) employers?**

A: While face to face audits for both SI and SF employers were suspended during the pandemic, normal audit scheduling has resumed. Employers have the option to request mail in audits in lieu of onsite audits.

**Q 20: What are employers supposed to do about the classes that were cancelled? What about the ½ day classroom training?**

A: Classroom attendance requirements were waived during the pandemic. Currently, employers have the opportunity to take advantage of a wide variety of online class offerings. Such offerings will satisfy BWC program requirements for class attendance.

**Q 21: Will BWC extend the public employer taxing district (PEC) true-up grace period that ended March 16?**

A: While the grace period was extended to June 1, 2020, normal true up deadlines have resumed and continue for Policy Year 2021.

**Q 22: Is emergency sick leave and expanded FMLA paid to employees under the Families First Coronavirus Response Act, Consolidated Appropriations Act, and American Rescue Plan 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, Consolidated Appropriations Act, and American Rescue Plan 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 these acts are not reportable.

Effective April 1, 2020, through Sept. 30, 2021, wages companies pay under these acts 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 23: 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 24: How will BWC address late payments for Self-Insured employer assessments?**

A: While late payment penalty assessments were waived for February 2020 payments, normal late payment assessment fees have resumed and continue.

#### **Q 25: 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 26: 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 27: 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: Effective June 18, 2021 Governor DeWine declared an end of the State of Emergency relating to COVID 19 in Ohio. As a result, payroll reporting exceptions previously implemented by BWC due to COVID 19 will end on June 30, 2021. Wages paid to employees who are idle are reportable to BWC according to normal reporting rules effective July 1, 2021.

**Q 28: Has BWC modified its delivery of care for injured workers through telemedicine and telephone services once Ohio's state of emergency was lifted June 18, 2021?**

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

- Policy alert [2021-01](#) details the actions BWC is taking related to 7 policy alerts released between March 2020 and June 2021. Specifically with respect to telephone and telemedicine services, this alert summarizes updates to the following:
  - Policy alert [2020-01](#) permanently permit the injured worker's home to be an originating site and will also continue to permit the injured worker's use of a personal cell phone. In addition, BWC will extend the use of telephone service codes 99371-99373 in lieu of an office visit through December 31, 2021, with MCO authorization.
  - Policy alert 2020-03 BWC has determined that it is appropriate to maintain the flexibility of permitting therapists and psychological service providers to bill check-in services with proper prior authorization.

**Q29: 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.

**Q30: Will BWC extend the Public Employer Group-Experience Rating program roster filing deadline?**

A: While the deadline for submitting the Group Experience Rating Program roster for PEC was extended during Policy Year 2019, the normal filing deadline has resumed and continues with Policy Year 2021.

**Q31: 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: While program enrollment deadlines for ISSP, DFSP, and TWB were extended during Policy Year 2019, normal application deadline dates for these programs have resumed and remain the last business day of May for PA and the last business day of November for PEC.

**Q32: 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.*