COLLECTIVE BARGAINING CLARIFICATION LETTER

NO. 12-09-05

To: All Labor Relations Officers and Personnel Officers

From: Michael Duco, Deputy Director

Date: September 24, 2012

Subject: **Workers' Compensation Benefits; All Contracts**
Employer Payments of Health Benefits

This clarification letter replaces clarification letter No. 10-08-06.

The following table provides the current provisions of each labor agreement regarding Employer payments of health care premiums for employees receiving workers' compensation benefits.

All agreements provide that health insurance premiums shall continue for up to 24 months for employees receiving lost time Workers' Compensation (WC) benefits. Agencies are advised to continue the State's past practice of paying both the Employer and the employee share of health care premiums for employees receiving WC benefits for up to 24 months (the 24 months may be reached intermittently) per each WC claim per employee. The 24 months should be calculated from the date of injury. OCSEA, SEIU/District 1199, OEA, and FOP Employees receiving salary continuation or Occupational Injury Leave (OIL) are responsible for their own share of health insurance for the duration of those benefits.

Union	*Contract Provision*
OCSEA	**§34.01 – Health Insurance** Employees receiving Occupational Injury Leave (OIL), Salary Continuation, or Hostage Leave benefits shall continue to be responsible for the employee's regular share of the health insurance premium while receiving said benefits. In the event OIL, Hostage Leave, or Salary Continuation terminates within a pay period and the employee is eligible for temporary total benefits for the remaining period, the employee's share of the health insurance premium shall be borne by the Employer. Employees receiving lost time Workers' Compensation benefits or awaiting the approval of a Workers' Compensation claim and not receiving any of the above benefits, for a claim arising from employment with the State of Ohio who have health insurance shall continue to be eligible for health insurance at no cost to the employee for a period not to exceed twenty-four (24) months. The Employer has the right to recover such payments if the Workers' Compensation claim is determined to be non-compensable.

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SEIU/District 1199	**Article 17 – Group Health Insurance** In the event an employee is receiving disability leave or Workers' Compensation benefits, the Employer policyholder shall continue, at no cost to the employee, the coverage of group health insurance for such employee for the period of such leave, but not beyond two (2) years. Employees receiving Occupational Injury Leave (OIL) or Salary Continuation shall continue to be responsible for the employee's regular share of the health insurance premium while receiving said benefits. In the event OIL, Hostage Leave, or Salary Continuation terminates within a pay period and the employee is eligible for temporary total benefits for the remaining period, the employee's share of the health insurance premium shall be borne by the Employer.
OSTA (Units 1 & 15)	**§46.08 - Health Insurance** Employees receiving Workers' Compensation Temporary/Total (TT) wage loss benefits who have health insurance shall continue to be eligible for health insurance at no cost to the employee not to exceed 24 months. Further, pending the certification of a Workers' Compensation award, the Employer shall continue group health insurance coverage at no cost to the employee, including the employee's share of such costs, for a period not to exceed 24 months. The Employer has the right to recover such payments if the Workers Compensation claim is determined to be non-compensable.
FOP (Unit 2)	**§27.09 - Health Insurance Coverage During Lost Time Workers' Compensation Eligibility** Employees receiving lost time Workers' Compensation benefits or awaiting the approval of a Workers' Compensation claim and not receiving any other benefits, for a claim arising from employment with the State of Ohio who have health insurance shall continue to be eligible for health insurance at no cost to the employee for a period not to exceed twenty-four (24) months. The Employer has the right to recover such payments if the Workers' Compensation claim is determined to be non-compensable. Employees receiving Occupational Injury Leave (OIL), Salary Continuation, or Hostage Leave benefits shall continue to be responsible for the employee's regular share of the health insurance premium while receiving said benefits. In the event OIL, Hostage Leave, or Salary Continuation terminates within a pay period and the employee is eligible for temporary total benefits for the remaining period, the employee's share of the health insurance premium shall be borne by the Employer.
OEA/SCOPE	**§33.04 - Health Insurance** Employees receiving Occupational Injury Leave (OIL), Salary Continuation, or Hostage Leave benefits shall continue to be responsible for the employee's regular share of the health insurance premium while receiving said benefits. In the event OIL, Hostage Leave, or Salary Continuation terminates within a pay period and the employee is eligible for temporary total benefits for the remaining period, the employee's share of the health insurance premium shall be borne by the Employer. Employees receiving lost time Workers'

	Compensation benefits or awaiting the approval of a Workers' Compensation claim and not receiving any of the above benefits, for a claim arising from employment with the State of Ohio who have health insurance shall continue to be eligible for health insurance at no cost to the employee not to exceed twenty-four (24) months. The Employer has the right to recover such payments if the Workers' Compensation claim is determined to be non-compensable.

As always, please call or write your Labor Relations Specialist with any questions that you may have regarding this or other subjects.