



# Human Resources Client Bulletin



Employment Law Developments No. 09-03

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## S.B. 334 Passed to Assist Ohio Employers Dealing with Out-of-State Worker's Comp

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For the past several years, Ohio employers have experienced difficulties with foreign states when an Ohio employee is injured while working in a foreign state. In many cases, the foreign state insisted that the workers' compensation claim be covered by its workers' compensation insurance, even though the worker was fully covered in the state of Ohio. In many of those cases, the employer was left paying dollar-for-dollar the benefits arising out of the claim because of not having coverage in that foreign state. Early in 2008, the legislature began to look into the problem after receiving many complaints from Ohio employers.

In passing S.B. 334, the legislature has provided that Ohio employers, who have employees working across state lines, may reduce the payroll they report to the Ohio Bureau of Workers' Compensation by the amount paid to the employees for work performed in a foreign state, if the employer has workers' compensation coverage for the employees working in a foreign state. Ohio employers can take advantage of this particular change in the law when payroll reports are submitted to

the Bureau of Workers' Compensation for the period of coverage beginning January 1, 2009 and ending June 30, 2009.

S.B. 334 also prevents injured workers from receiving workers' compensation benefits in more than one state for the same injury or occupational disease. The injured worker must now select a specific state in which to file a claim.

Finally, the law requires out-of-state employers with employees working in Ohio to obtain Ohio workers' compensation coverage, unless the state from which they work has some degree of reciprocity with the state of Ohio for workers' compensation purposes. This provision applies even if the employer has workers' compensation coverage in its home state.

*If you have any questions about this topic or any other workers' compensation law issue, please contact Thomas R. Sant at 614.227.2331.*

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