

# EMPLOYMENT LAW SUMMARY

## Ohio Workers' Compensation - Employee Benefits



*Because You're Different*

Workers' compensation is a system of no-fault insurance that provides medical benefits and monetary compensation to employees or their survivors for work-related injuries, diseases and deaths. Workers' compensation is governed by state law.

In Ohio, the Ohio Workmen's Compensation Act (OWCA) outlines the benefits available under the workers' compensation system in the state. The [Ohio Bureau of Workers' Compensation](#) (OBWC) administers workers' compensation claims.

### MEDICAL BENEFITS

Employers must pay all medical expenses for reasonable and necessary treatment for an employee's compensable work-related condition. Worker's compensation medical benefits include medical, nurse, pharmaceutical and hospital services.

Medical benefits also include the reasonable amount necessary to repair, replace or adjust damaged eyeglasses, artificial teeth (or other denture) and hearing aids.

### MONETARY BENEFITS

The OWCA outlines several types of monetary benefits that may be awarded for work-related injuries, illnesses or deaths. The benefits available depend on the employee's ability to return to work and the severity of the work-related condition.

Workers' compensation payments are not considered income. Therefore, they are not taxable under state or federal law and need not be reported as income on tax returns.

### AVERAGE WEEKLY WAGE

All workers' compensation monetary benefit rates are calculated as percentages of the employee's average weekly wage (AWW) at the time of the employee's injury, contraction of an occupational disease or death. The AWW is usually determined using the employee's wages from the year previous to the injury or contraction of a disease.

### BENEFIT RATE LIMITS

All workers' compensation monetary benefit rates are subject to limits that are in effect on the date of the employee's injury, contraction of an occupational disease or death.

The rate limits are based on the statewide average weekly wage (SAWW) for the previous year. New rate limits become effective as of January 1 each year.

- For work-related conditions that occur in 2023, the maximum benefit rate is **\$1,149**.
- For work-related conditions that occurred in 2024, the maximum benefit rate is **\$1,195**.

A comprehensive chart of other rate limits can be found on the OBWC [website](#).

### WAITING PERIOD

An employee is not eligible to receive any type of monetary benefits for the **first week** after an injury or contraction of an occupational disease. In addition, an employee may not receive temporary disability benefits for his or her first week of temporary disability, regardless of when the temporary disability occurs in relation to the injury. However, if the employee is disabled for a continuous period of **two weeks or more**, any benefits for the first week of disability must be paid retroactively.

## TEMPORARY TOTAL DISABILITY (TTD) MONETARY BENEFITS

Weekly TTD benefits are available while an employee is totally disabled from work on a temporary basis due to a work-related injury or occupational disease. TTD benefits are generally the initial compensation paid to an employee to help compensate for lost wages.

For the first **12 weeks** of missed work, an employee may receive **72 percent** of his or her AWW, subject to the limits described above. **After 12 weeks** of missed work, TTD benefits are **66.67 percent** of the AWW, subject to the limits described above.

## WAGE LOSS (WL) MONETARY BENEFITS

Weekly wage loss benefits are available to employees who can perform some work but cannot earn their full wages due to a work-related condition. There are two types of wage loss benefits that may be considered in a claim: **working wage loss** and **non-working wage loss**.

Working wage loss (WWL) benefits are payable when an employee returns to a job different from his or her pre-injury position. This would include return to work with the employer at the time of injury or a new employer with different job duties, less hours and less pay resulting from the physical restrictions. In this case the employee will receive compensation at 66 and two-thirds percent of the difference between the employee's AWW and the employee's present earnings, subject to the limits described above. These payments may continue for **up to 200 weeks**.

Non-working wage loss (NWWL) benefits are available when the injured worker can return to work (with restrictions) but is unable to find suitable employment. To qualify for NWWL benefits, the injured worker must demonstrate that he or she is making a good faith effort to secure employment within his or her physical restrictions. The employee may receive compensation at **66 and two-thirds percent of the difference** between the employee's AWW and the employee's present earnings (likely \$0), subject to the limits described above. These payments may continue for **up to 52 weeks**.

## PERMANENT PARTIAL DISABILITY (PPD) MONETARY BENEFITS

PPD benefits compensate employees for any permanent residual damage that may have been caused by a work-related condition. PPD encompasses amputations and loss of use of certain body parts.

PPD awards are based on the nature of the injury and when that injury occurred. The compensation payable per week to the employee is the maximum rate limit in effect for the date of injury. When an injury causes permanent damage but not a total loss, the injured employee will be given a percentage of the scheduled loss award based upon the extent of the injury.

The OWCA provides specific awards for specific injuries. For example, the following is a list of how common injuries to the hand are compensated:

- For the loss of a thumb, the award is 60 weeks;
- For the loss of a second finger, commonly called index finger, 35 weeks;
- For the loss of a third finger, 30 weeks;
- For the loss of a fourth finger, 20 weeks;
- For the loss of a fifth finger, commonly known as the little finger, 15 weeks.

For a complete list of how many weeks of compensation are awarded for various injuries, see the [Ohio compensation rates](#).

## DISFIGUREMENT

If a work-related condition results in serious facial or head disfigurement which impairs, or may in the future impair, the opportunities to secure or retain employment, the OBWC may award the employee additional compensation for the disfigurement.

The maximum amount payable for this type of award is **\$10,000**. Awards are based upon the severity of the damage sustained by the employee. Facial disfigurement awards are in addition to other types of partial disability compensation or scheduled loss awards paid and are paid in a lump sum.

## PERMANENT TOTAL DISABILITY (PTD) MONETARY BENEFITS

PTD benefits are available for employees who are completely and permanently disabled due to a work-related condition. The purpose of PTD benefits is to compensate the employee for the total impairment of earning capacity.

PTD benefits are **66 and two-thirds percent** of the employee's AWW, subject to the limits described above. Compensation for PTD is payable for life. In order to qualify for PTD, an employer must be deemed permanently and totally disabled by the Industrial Commission after a hearing.

A PTD award will not be given when the employee is unable to engage in sustained remunerative employment due to any of the following reasons:

- The employee's impairments are not the result of an allowed injury or occupational disease;
- The impairments are due solely to the employee's age or aging;
- The employee retired or otherwise voluntarily abandoned the workforce for reasons unrelated to the allowed injury or occupational disease;
- The employee has not engaged in educational or rehabilitative efforts to enhance the employee's employability, unless the efforts are determined to be in vain.

## LIVING MAINTENANCE (LM) MONETARY BENEFITS

LM benefits are available to employees while they are actively participating in an OBWC-approved rehabilitation plan. When an employee is actively participating in a vocational rehabilitation plan, he or she will receive LM payments in place of temporary total compensation.

The OBWC may issue LM compensation for **up to 24 weeks**, unless the OBWC's review reveals that he or she will benefit from an extension. LM benefits are issued upon the OBWC's receipt of the vocational rehabilitation agreement and plan.

## DEATH AND BURIAL BENEFITS

If an employee dies as a result of a work-related condition, the employer must cover the reasonable costs of a deceased employee's burial expenses, up to a maximum of **\$7,500**.

In addition, the deceased employee's surviving spouse and dependents may be eligible for a weekly survivor benefit of **66 and two thirds percent of the employee's AWW**, subject to the limits described above. If a dependent spouse remarries, an amount equal to two years of benefits will be paid in a lump sum. A dependent child may be paid death benefits until he or she:

- Reaches 18 years of age;
- Reaches 25 years of age, if pursuing a full time educational program while enrolled in an accredited educational institution and program; or
- Is no longer mentally or physically incapacitated.

## MORE INFORMATION

For more information, contact Heffernan Insurance Brokers or visit the OBWC's [website](#).

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