

EMPLOYMENT LAW SUMMARY

Ohio Workers' Compensation - Employee Eligibility



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 workers' compensation system is governed by the Ohio Workers' Compensation Act (WCA). The [Ohio Bureau of Worker's Compensation](#) (BWC) administers the state workers' compensation system and resolves any coverage disputes in the state.

In general, an individual may qualify for workers' compensation benefits if he or she meets the WCA's definition of a **covered employee** and sustains a **compensable condition**.

COVERED EMPLOYEES

Most workers are covered under the WCA. The law's definition of a covered employee includes "every person in the service of any person, firm, or private corporation." The WCA specifically includes the following as covered employees:

- Minors;
- Aliens;
- Household and casual workers who earn \$160 or more in cash in any calendar quarter from a single household or employer;
- Employees of the state or any Ohio county, municipal corporation, township or school district; and
- Individuals who perform labor or services under certain construction contracts.

As of July 3, 2019, covered employees also include any person who operates a vehicle or vessel in the performance of services for or on behalf of a motor carrier transporting property, unless he or she meets certain criteria (such as ownership of the vehicle or vessel and other specified factors).

EXCLUSIONS

The WCA also specifically excludes certain individuals from its definition of a covered employee. Those who are **not** automatically covered under the WCA include:

- Ordained or associate ministers of a religious organization;
- Officers of family farm corporations;
- Individuals incorporated as a corporation (if they have no employees);
- Sole proprietors and partners (including limited liability companies acting as a sole proprietor or partnership); and
- Officers of a nonprofit corporation who volunteer their officer services.

ELECTIVE COVERAGE AND EXCLUSIONS

Other than officers of a nonprofit corporation who volunteer their officer services, most individuals who are not automatically covered under the WCA may [elect coverage](#) for themselves (or have their employer elect coverage for them). In addition, covered employees may exclude themselves from coverage by submitting a signed waiver and affidavit to the BWC. An elective [waiver](#) of coverage does not become effective unless the BWC approves it.

COMPENSABLE CONDITIONS

Compensable conditions include both work-related injuries and occupational diseases. All conditions must be supported by medical proof.

For an injury to be compensable, it must be the result of an accident arising out of and in the course of employment.

As of **Sept. 24, 2022**, however, the WCA specifies that if an employee sustains an injury while **working from home**, the injury may be compensable only if it:

- Arose out of the employee's employment;
- Was caused by a special hazard of the employee's employment activity; and
- Was sustained in the course of an activity undertaken by the employee for the exclusive benefit of the employer.

For an occupational disease to be compensable, it must be:

- Contracted in the course of the employment in which the employee was engaged;
- Caused by the nature of any of the specific processes described in the OWCA (these processes include the use of certain chemicals, materials and compounds);
- Caused by hazards of employment that are distinguishable from employment in general; and
- Contracted in employment that creates a greater risk of contracting the disease than the public in general.

NONCOMPENSABLE CONDITIONS

Under the WCA, the following are **not** compensable:

- Psychiatric conditions (except where the conditions arise from forced sexual conduct);
- Injury or disability caused primarily by the natural deterioration of tissue, an organ, or part of the body;
- Injury or disability incurred in voluntary participation in an employer-sponsored recreation or fitness activity if the employee signed a [Form C-159](#) ("Waiver of Workers' Compensation Benefits for Recreational or Fitness Activities") prior to engaging in the activity;
- Pre-existing conditions, except where they are substantially aggravated by an injury;
- Conditions caused by the employee's purposeful self-infliction; and
- Conditions caused by the employee's intoxication by alcohol or being under the influence of a controlled substance that was not prescribed by a physician.

EMPLOYEE RESPONSIBILITIES

In addition to the above eligibility requirements, the WCA imposes affirmative responsibilities on individuals who claim workers' compensation benefits. Among the responsibilities, employees are expected to:

- Promptly [inform](#) the employer of any work-related injury or disease;
- Provide a signed [release for medical information](#) upon the employer's request;
- Submit to medical and vocational examinations upon the employer's or the BWC's request;
- File a claim with the OBWC within **one year** after an injury, after the first day of disability from an occupational disease or after the employer's last payment of benefits or wages in lieu of workers' compensation benefits. Effective Sept. 15, 2020, this same deadline applies to claims alleging an employer's failure to comply with safety regulations under the law.

MORE INFORMATION

For more information on workers' compensation in Ohio, contact Heffernan Insurance Brokers or visit the BWC's [website](#).

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