ACTION: No Change

DATE: 01/06/2020 9:14 AM

Ohio | Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Carrie Kuruc, Director

MEMORANDUM

TO: Ohio Bureau of Workers' Compensation

FROM: Ethan Wittkorn, Regulatory Policy Advocate

DATE: **September 12 14, 2019**

RE: **CSI Review – Specific Safety Requirements of the Ohio Bureau of Workers' Compensation for Construction (4123:1-3-01, 4123:1-3-03, 4123:1-3-04, 4123:1-3-05, 4123:1-3-06, 4123:1-3-07, 4123:1-3-10, 4123:1-3-11, 4123:1-3-13, 4123:1-3-16, 4123:1-3-18, 4123:1-3-20, 4123:1-3-21, 4123:1-3-22, 4123:1-3-23, 4123:1-3-24, 4123:1-03-02, 4123:1-03-08, 4123:1-03-09, 4123:1-03-12, 4123:1-03-14, 4123:1-03-15, 4123:1-03-17, 4123:1-03-19)**

On behalf of Lt. Governor Jon Husted, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

This Ohio Bureau of Workers' Compensation (Bureau) rule package consists of 24 rules submitted as part of the statutory five-year review process. It was submitted to the CSI Office on July 26, 2019, and the public comment period was open through August 16, 2019. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI office on July 26, 2019.

This package covers the Bureau's requirements for employers in construction operations that subject to the Workers' Compensation Act. The package includes 16 amended rules, and eight no change rules. Amendments to the rules include updated references and terminology, clarification of guidelines and requirements, formatting changes for clarity, updates to align rules and definitions with OSHA requirements, and corrections to definitions.

During the period of early stakeholder outreach, the Bureau worked with the Chapter 4123:1-3 Construction review committee, as well as representatives from the Danis Group of Companies, ABC Associated Builders and Contractors Inc., Builders Exchange of Central Ohio, Ohio Contractors Association, and Ohio Laborer's Training & Apprenticeship Trust Fund. The Bureau shared 103 proposed changes with the stakeholders, a majority of which served to clarify and correct errors in the rules. All the stakeholders agreed with the proposed changes and no additional changes were proposed. During the CSI public comment period, no comments were submitted.

Impacts include the addition of 15% to 50% of an injured workers compensation penalized against the employer if the workers injuries are a result of employer's violations of safety rules.The Bureau is required by ORC 4121.13 to develop safety standards for Ohio employers.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Bureau should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.