Memo 4.21

COEMP AND SPECIAL HANDLING CLAIMS POLICY

I. Authority

Pursuant to the following statutes and policies:

- O.A.C. 4123-15-02; 4123-15-03 and 4123-15-09, and
- BWC/IC Code of Ethics, and
- BWC work rules.

No employee of the BWC is permitted to possess or electronically access, using the agency's internal on-line systems (e.g., claims or employer management system, Data Warehouse, BWC's link to ohiobwc.com), any workers' compensation claim file unless the claim file is necessary to the performance of the employee's duties. BWC made updates to the internal on-line systems to limit access to claim files, in accordance with this policy.

II. Definitions

COEMP: Company Employee claims are:

- All claims past, present or future pertaining to current and former Bureau of Workers' Compensation and Industrial Commission (BWC/IC) employees and his/her spouses; and
- Claims for all persons residing in the employee's home; and
- Policy (risk) numbers for the groups determined to be COEMP (e.g., an employee (past or present) who owns his/her own business).

Special Handling claims are:

- All claims past, present, or future pertaining to relatives (whether by blood or marriage) of current BWC/IC employee not residing in the residence, (e.g., parents, children, siblings, grandparents, in-laws, aunts and uncles),
- All claims past, present, or future pertaining to relatives (whether by blood or marriage) of former BWC/IC employees not residing in the residence, for example parents, children, siblings, grandparents, in-laws, aunts and uncles as determined by the service office manager,
- All claims pertaining to individuals who have business or personal relationships with the BWC/IC employee, for example business associates, business partners, employee and employers as determined by the service office manager,
- Any other claim so deemed by the service office manager,
- Also may include policy (risk) numbers for a group determined to be Special Handling (e.g., a relative who own his/her own business, which may require special handling).

Memo 4.21

III. Applicability:

This Policy pertains to all claims (both medical only and lost time) whether state fund, self-insured, uninsured and any other type of workers' compensation claim, which BWC may handle.

IV. Policy

A. Assignment of claims

All claims with a BWC or IC policy (risk) number shall be assigned to Special Claims. During the initial investigation of any claim, the claims service specialist (CSS) will routinely ask the injured worker if he or she has a family member employed by BWC or IC and will document the response in their progress notes. If the claim meets the COEMP or Special Handling definitions as described above, the CSS will immediately give the claim to his/her supervisor for possible reassignment to Special Claims. The transfer of the claim is documented in the progress notes.

When a BWC or IC employee has knowledge (actual or constructive) of a COEMP or Special Handling claim or policy number, he or she shall either promptly notify his or her immediate supervisor or contact the Special Claims supervisor via the COEMP/Special Handling request e-mail box to have the claim or policy flagged appropriately and reassigned.

B. Industrial Commission (IC) hearings for COEMP and Special Handling claims will be scheduled in an office outside of the employee's region. Such individuals will be scheduled for hearing in the next closest regional office adjoining the region in which he/she is employed. (This is per Memo S13, dated 5/7/07, of the Industrial Commission's Hearing Officer's Manual.)

- COEMP injured workers who are current BWC employees and request reimbursement for travel expenses will be reimbursed for appropriate travel expenses incurred when attending one hearing or employer-contested hearings. Any unusual travel expenses have to be approved prior to the hearing. Current BWC employees shall submit requests for travel expenses through the Department of Administrative Services payment system to request reimbursement of travel expenses.

- All other COEMP and Special Handling injured workers who are not current BWC employees and who request reimbursement for travel expenses will be reimbursed for appropriate travel expenses incurred when attending hearings. Any unusual travel expenses have to be approved prior to the hearing. The *completing the Injured Worker Statement for Reimbursement of Travel Expense* (C-60) and *Injured Worker Reimbursement Rates for Travel Expense* (C-60-A) forms shall be used for travel reimbursement requests, which are handled by Special Claims.

C. Handling of Claims

Employees are prohibited from any action on a claim, which would result in, or create the appearance of, utilizing his/her public office for private gain, or give the appearance of impropriety. This prohibition includes, but is not limited to, the use of:

- State resources,
- Any state employee or subordinate,
- State-owned computers, copiers or fax machines,
- State-owned vehicles and state-purchased supplies,
- State mail, e-mail, Internet and state phones, to influence the housing, handling, or processing of COEMP or Special Handling claims or policy numbers.

D. Exceptions

The following are exceptions to this prohibition. BWC employees:

- **May** reply to a communication initiated by the Special Claims CSS using state equipment regarding a BWC employees own personal workers' compensation claim. BWC staff shall not initiate contact using state equipment except when using the state telephone for personal use in accordance with the Telephone Policy (see Employee Handbook Memo 4.26).
- **May** use state equipment to notify his/her immediate supervisor of the existence of a COEMP or a Special Handling claim or policy (risk) number, as required in this policy.
- **May** take action on a claim if prior approval is in writing by his/her service office manager (SOM), director, or chief.

E. **Strict enforcement**

The guidelines listed below are to be strictly enforced. Questions regarding professional ethics shall be referred to the Employee and Labor Relations Department.

- No claim is to receive preferential or special treatment, as each party shall receive fair, impartial, and equal service. All claims shall be adjudicated and processed based upon the merits of the claim without prejudice or favoritism. No claim shall receive any special treatment unless there is a proven hardship or some action required to correct undue delay (as determined in accordance with the established policies of BWC). The service office manager must approve actions on claims that meet these criteria.
- Comply with Ohio and BWC Ethic requirements.
- BWC employees who receive any documents for processing that pertain to his/her own claim or the claim of a relative shall give the documents to his/her supervisor without review or action.

Employees may refer to HR Memo 6.05 *Workers' Compensation* for further guidance on workers' compensation claims.

If you have questions about this policy, or if you need further clarification, please contact the Special Claims Unit at 614-466-9903, or the Employee and Labor Relations Department at 614-644-7811.