

TO: Members of the Ohio House

FROM: Kevin Shimp, General Counsel

RE: Upcoming Floor Vote on HB 447

DATE: February 16, 2022

Under Ohio's current workers' compensation law, there is no distinction between employees who work from home and employees who work in the office or another location controlled by their employer. This lack of bifurcation became problematic after many employers shifted their employees to a work from home environment in response to the coronavirus and government orders that limited the ability of some businesses to keep their physical offices open.

House Bill 447 addresses this issue by modifying the definition of what is a compensable injury for the purposes of workers' compensation. The legislation borrows longstanding statutory definitions and common law principles to craft a definition of injury that applies only to employees who are injured while working in their home. Under House Bill 447, an employee is eligible to receive employer paid time off and medical benefits when:

- The employee's injury or disability arises out of their employment
- The employee's injury is sustained in the course of an activity undertaken for the exclusive benefit of the employer; and
- The employee's injury was caused by a special hazard of their employment

This new definition is substantially similar to the established definition of injury and the special hazard doctrine is longstanding common law developed by Ohio's courts and the Ohio Industrial Commission.

The Ohio Chamber believes this new definition will benefit businesses across the Buckeye State by assuring the workers' compensation system, which is funded exclusively by employers, only compensates individuals when their injury is caused by a risk associated with their employment rather than a common household risk.

During the committee process, several business trade associations came out in support of the legislation and no groups testified in opposition. Likewise, the legislation received unanimous bi-partisan support from the members of the House Insurance Committee.

We urge a YES vote on HB 447 on the House floor. Your vote on this bill may be recorded on the Ohio Chamber's *General Assembly Voting Record* which is a compilation of your voting record on key pro-business legislation during the 134th General Assembly.

If you have any questions about this bill or the Ohio Chamber's position, please contact me at (614) 629-0916 or KShimp@ohiochamber.com.