

QUESTIONS TO BE CONSIDERED BY OHIO EMPLOYERS THAT DO WORK IN SURROUNDING STATES

Scenario 1- Ohio employer hires workers in Ohio, supervises the workers from Ohio, but has workers that frequently do work in West Virginia and Pennsylvania

Before S.B. 334-In these cases you would still need to report all payroll to Ohio BWC but would also need to obtain coverage in WVA and PA to the extent it was required by law in those states.

NOW- Can segregate payroll to the extent that you report payroll to another state for out-of-state work by putting Ohio BWC on notice (BWC form U-131).

- Eliminates duplicate workers' compensation payments for the same work.
- However, must use Non-Ohio Payroll Segregation Report (BWC Form U-146) to report payments made to non-Ohio insurance carriers.

Scenario 2- Ohio employer bids and is awarded jobs that will take approximately 60 days per job in each of the following states: Indiana, Pennsylvania & West Virginia

STEP1: Always contact the state in which you intend to perform work about its workers' compensation requirements as the information that we have provided is always subject to change. Ohio cannot control what other states may require!

Indiana

- Currently, Indiana does not appear to require Ohio employees to purchase a policy for work performed in that state, so you can continue to report all payroll associated with the job in that state to Ohio.
- If for any reason, as a bidding requirement you needed to obtain Indiana coverage for the Indiana job, after giving Ohio BWC notice (BWC form U-131), payroll reported to that state should be reflected on BWC form U-146 to avoid duplicate payments.
- **Reminder:** Ohio coverage will not apply in Indiana, or for that matter, any other state **where you hire the workers in that state to perform work in that state.**

Pennsylvania

- Currently, persons working in Pennsylvania, even on a temporary basis, are required to obtain coverage for workers' compensation in that state. However, now the payroll for Pennsylvania can be reported to Ohio on a U-146 and you will not pay premiums in Ohio on that payroll.

West Virginia

- The last word was that West Virginia recognizes out-of state coverage for up to 30 calendar days per-year only. (Note: For this reason, Ohio now requires West

Virginia employers to obtain coverage for all work done in Ohio which exceeds 30 days)

- If the job is going to take 60 days, Ohio coverage likely will not be sufficient. Therefore, once an employer obtains West Virginia coverage, under the new law as of 9/11/08, you can deduct the payroll that is reported to West Virginia (or other carrier providing West Virginia coverage) by virtue of reporting the payroll reported to that state on a form U-146.

REMEMBER THE FOLLOWING:

- 1) **When doing work in a state other than Ohio, always contact the appropriate entity in that state in order to determine whether you are required to obtain coverage for that state on a temporary or long term basis. The law is always subject to change and Ohio BWC might not have current information in many instances on requirements for workers compensation in the other 49 states.**
- 2) **Many of the questions, as well as the forms that you may need can be found on our website at www.Ohiobwc.com. Specific questions about jurisdiction are often difficult and you may also contact 1-800-OHIOBWC or 1-800-644-6292, as well as BWC Legal Division at (614)466-6600 for additional guidance.**