

**4123-17-55 Transitional work development grant and performance bonus.**

(A) Definitions.

As used in this rule:

- (1) "Application deadline" means the applicable application deadline set forth in appendix A or B to rule 4123-17-74 of the Administrative Code.
- (2) "Client employer" has the same meaning as defined in paragraph (A)(2) of rule 4123-17-15 of the Administrative Code.
- (3) "PEO" has the same meaning as defined in paragraph (A)(1) of rule 4123-17-15 of the Administrative Code.
- (4) "Program period" means the policy year for which the employer elects to participate in the transitional work program.
- (5) "Transitional work" has the same meaning as defined in paragraph (AA) of rule 4123-6-01 of the Administrative Code.
- (6) "Transitional work developer" means the provider who develops the employer's transitional work program. A transitional work developer shall:
  - (a) Be certified by the bureau to participate in the health partnership program as one of the following provider types designated in rule 4123-6-02.2 of the Administrative Code:
    - (i) A vocational rehabilitation case manager,
    - (ii) An occupational therapist, or
    - (iii) A physical therapist.
  - (b) Complete bureau sponsored transitional work development training prior to delivering transitional work programs; and
  - (c) Have verified experience in developing transitional work programs according to the bureau's transitional work policy, or verified mentoring experience with a developer of transitional work services according to the bureau's transitional work policy.

(B) Eligibility requirements.

- (1) To receive benefits under this rule, the employer must meet the following criteria as of the application date for the grant or the application deadline for the performance bonus:
  - (a) The employer must be current with respect to all payments due the bureau, as defined in paragraph (A)(1)(b) of rule 4123-17-14 of the Administrative Code.
  - (b) The employer must not have cumulative lapses in workers' compensation coverage in excess of forty days within the preceding twelve months.
  - (c) The employer must be in an active policy status. For purposes of this rule, "active policy status" does not include a policy that is a no coverage policy or a policy that is lapsed.

- (d) The employer must report actual payroll for the preceding policy year and pay any premium due upon reconciliation of estimated premium and actual premium for that policy year no later than the date set forth in rule 4123-17-14 of the Administrative Code. An employer will be deemed to have met this requirement if the bureau receives the payroll report and the employer pays premium associated with such report before the expiration of any grace period established by the administrator pursuant to paragraph (B) of rule 4123-17-16 of the Administrative Code.
  - (2) The following employers shall not be eligible for either a transitional work program development grant or a transitional work performance bonus under this rule:
    - (a) Employers paying the minimum administrative charge for the applicable payroll reporting period as set forth in rule 4123-17-26 of the Administrative Code.
    - (b) State agencies.
    - (c) Self-insuring employers providing compensation and benefits pursuant to section 4123.35 of the Revised Code.
  - (3) The following employers shall not be eligible to receive a transitional work program development grant under paragraph (C) of this rule:
    - (a) Employers who have elective coverage only.
    - (b) Sole proprietors with zero payroll.
  - (4) An employer that is found to be ineligible for participation in the program may reapply for a subsequent program period.
- (C) Transitional work program development grant.
- (1) An employer interested in obtaining a transitional work program development grant shall apply to the bureau on a form provided by the bureau. In signing the application form, the chief executive officer or designated management representative of the employer is certifying to the bureau that the employer will comply with all program requirements.
  - (2) The bureau shall evaluate each application to determine the employer's eligibility to receive a transitional work program development grant, and shall have the final authority to approve a grant for an eligible employer and to determine the amount of the grant. If, upon review of an application, the bureau determines that it can assist the employer in developing a transitional work program, the bureau may deny the grant and provide assistance to the employer directly.
  - (3) An employer may be eligible for no more than one transitional work program development grant per policy number. An employer who previously received a grant from the bureau for development of a transitional work program shall be ineligible to receive a subsequent grant under this rule; however, the bureau shall provide assistance to employers as needed to update transitional work programs developed with previous grants.
  - (4) Grant amounts will be determined by the bureau based on employer size and the complexity of services needed for transitional work services. Factors which may determine appropriate grant amounts may include the employer's:
    - (a) Payroll;

- (b) Job classifications;
- (c) Job analyses needed; and
- (d) Collective bargaining units.

- (5) The bureau shall not reimburse an employer for costs associated with a transitional work developer's preparing and submitting a proposal to an employer, and shall not reimburse for costs determined by the bureau to be ineligible or unnecessary. The bureau may monitor the content and implementation of transitional work services.
- (6) The employer shall have and maintain continuous active state fund coverage for a period of one year from the date the bureau disburses the grant funds to the employer. The bureau may recover the entire grant if the bureau determines the employer has failed to maintain coverage as required by this rule.

(D) Transitional work performance bonus program.

An employer who has developed and implemented a transitional work program may be eligible to receive a transitional work performance bonus as provided for in this rule.

- (1) An employer interested in participating in the transitional work performance bonus program shall apply to the bureau on a form provided by the bureau. In signing the application form, the chief executive officer or designated management representative of the employer is certifying to the bureau that the employer will comply with all program requirements.
- (2) The bureau shall evaluate each application to determine the employer's eligibility to participate in the transitional work performance bonus program at the time of the application. The bureau shall have the final authority to approve an eligible employer for participation in the transitional work performance bonus program.
- (3) The transitional work program performance bonus calculation shall occur at six months following the end of the applicable program period. The bureau will evaluate all claims of the employer with injury dates that fall within the applicable program period to determine:
  - (a) How many of those claims had the potential for transitional work services, and
  - (b) How many of the claims identified in paragraph (D)(3)(a) of this rule utilized transitional work services.
- (4) The bureau will calculate the employer's percentage of claims with potential for transitional work services in which transitional work services were utilized.
- (5) The employer will receive a performance bonus equal to the percentage calculated pursuant to paragraph (D)(4) of this rule multiplied by a percentage of the employer's pure premium for the applicable program period as set forth in the appendix to rule 4123-17-75 of the Administrative Code. The performance bonus will be posted to the employer's account with the bureau.
- (6) A PEO shall be eligible to receive a transitional work performance bonus under this rule for claims in which the PEO was the employer of record on the date of injury and transitional work services were available under a transitional work program of either the PEO or the client employer.
- (7) An employer may appeal the bureau's transitional work performance bonus program application rejection or the bureau's transitional work performance bonus determination to the bureau's adjudicating

committee pursuant to section 4123.291 of the Revised Code and rule 4123-14-06 of the Administrative Code.

- (8) Unless an employer notifies the bureau otherwise as outlined below, continued participation in this program for each subsequent program period shall be automatic provided that the employer continues to meet the eligibility requirements set forth in paragraph (B) of this rule.

An employer that elects to opt out of continued participation in this program shall provide written notice to the bureau by the application deadline set forth in this rule.

Effective: 3/26/18

Prior Effective Dates: 7/1/12, 1/1/13, 9/4/14, 7/1/15, 7/1/16, 3/13/17