Ohio | Industrial Commission

ANNUAL REPORT FY 2016

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LETTER FROM THE CHAIRMAN

It is my pleasure to present the Ohio Industrial Commission's Annual Report for Fiscal Year (FY) 2016.

The Ohio Industrial Commission (IC) continues to be at the forefront of enhancing a customer-centered approach to public service, while lessening the financial burden of those who pay into Ohio's workers' compensation system.

Over the past fiscal year, our agency has worked tirelessly to improve the efficiency of the claims process while staying true to our bottom line. In FY 2016, the IC continued to develop new technologies to benefit the customer experience, and worked to give our office locations a modernized feel. We are constantly reviewing and improving rules and procedures to make navigating the workers' compensation appeals process less daunting. Because of these successes, the IC continues to provide impartial and expedient hearings to Ohio's injured workers and employers.

A few of our fiscal year highlights:

- Budget stability continued as one of the agency's central goals as expenditures for the FY 2016 budget totaled $45.5MM — marking the fourth year in a row that expenses have remained within a narrow range between $45MM and $46MM.
- Maintained a consistent Administrative Cost Fund rate environment whereby assessed rates remained unchanged for all risk groups.
- Achieved a new benchmark high by directing 47.3 percent of eligible agency expenditures toward certified Minority Business Enterprise (MBE) businesses.
- Implemented changes to allow medical providers to send and receive medical exam reports through our secure website.
- Enhanced the digital signage in the hearing room lobbies in all offices by redesigning the signage to have three times more information than the previous digital signage.
- Improved the hearing calendar on ICON with an ICS tool, which can be used by representatives to add scheduled hearings to their personal calendars on smartphones or desktops via the mobile or the full site.
- Renovated the Cambridge and Logan district offices.
- Installed new hearing room signs and document holders in 10 satellite offices to improve customer traffic outside the hearing rooms.
- Installed new logos and signage inside offices in Columbus, Cleveland, Cincinnati, Logan, Cambridge, Youngstown and Akron.
- Consolidated the hearing rooms and customer service areas into one location in Columbus and renovated the medical examination rooms.
- Reviewed and revised the entire *Hearing Officer Manual* and changed the title to *Adjudications before the Ohio Industrial Commission* in order to more appropriately include IC commissioners and hearing administrators.

These accomplishments affirm our commitment to providing our customers with top-notch service without sacrificing fiscal responsibility to do so. I am proud to lead an agency that values these important goals.

We look forward to providing the first-rate service our customers have come to expect. While we continue to pursue new technological advances and diligently work to make our processes less complex, injured workers and employers can rest assured that they will continue to receive a quick and fair resolution to their claim. The IC will continue to be a model of efficient, responsive and resourceful public service.

Sincerely,

Thomas H. Bainbridge, Chairman
Ohio Industrial Commission

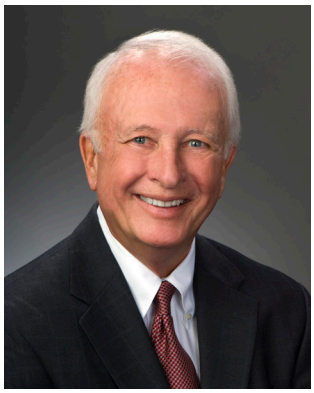
ABOUT US

The IC conducts more than 127,000 hearings each fiscal year, and most of these hearings take place within 45 days of the original claim appeal. That means you may expect first-class customer service as the IC provides a forum for appealing BWC and self-insured employer decisions. Since 1912, the IC has resolved issues between parties who have a dispute in a workers' compensation claim. With each claim, the agency is dedicated to offering information and resources to help customers navigate through the appeals process.

The IC conducts hearings on disputed claims at three levels: the District level, the Staff level, and the Commission level. The Governor appoints the three-member Commission, and the Ohio Senate confirms these appointments. By previous vocation, employment or affiliation, one member must represent employees, one must represent employers and one must represent the public.

During this fiscal year, Chairman Thomas H. Bainbridge represented the employees; Jodie M. Taylor represented employers; and Karen L. Gillmor represented the public.

COMMISSIONERS



Thomas H. Bainbridge, Chairman
Employee Member
Dates of Service: July 2013 - June 2019

Thomas (Tim) Bainbridge brings over four decades of workers' compensation experience to his role as Chairman of the Ohio Industrial Commission.

As an attorney, Tim has spent a tremendous amount of time protecting the rights of Ohio's workers through his involvement with numerous organizations, which are dedicated to improving Ohio's workers' compensation system.

Tim displayed his knowledge and expertise as the Chairman of the Columbus Bar Association Workers' Compensation Committee, and served as the Chairman of the Workers' Compensation Section of the Ohio Association for Justice. He also served as President of the Ohio Association for Justice.

Later, he served Ohio's injured workers and employers as the Commissioner for the Bureau of Workers' Compensation Oversight Commission from 1995 to 2006. In addition, he has served on the Unemployment Compensation Review Commission and as a Commissioner on the Court of Claims.

Tim's passion for workers' compensation has been evident throughout his career. Before arriving at the IC, Tim served as an attorney and managing partner at Ward, Kaps, Bainbridge, Maurer & Melvin from 1970 until 2009. He later served as a partner at the Bainbridge Firm from 2009 until 2013.

Tim is a member of the Ohio State Bar Association, Columbus Bar Association, Ohio Association for Justice and the American Association for Justice.

Originally from Steubenville, Ohio, Tim earned his bachelor's degree from Washington & Jefferson College in Washington, Pennsylvania, and then received his law degree from The Ohio State University.

Tim was admitted to the Ohio Bar in 1967 and has also been admitted to practice before the US District Court in the Southern District of Ohio.

He resides in Columbus. He and his late wife, Deidre, have three grown sons who also reside in Columbus.

Jodie M. Taylor
Employer Member
Dates of Service: July 2015 - June 2021

Jodie Taylor brings years of workers' compensation experience to her role as Commissioner of the Ohio Industrial Commission.

In July 2009, Jodie was appointed as the employer member of the Commission. On January 14, 2011, Governor John Kasich appointed Commissioner Taylor as Chairperson of the Commission. Jodie served in this capacity until July 2011.

On February 13, 2013, Governor Kasich again appointed Jodie as Chairperson of the Commission. Jodie served

in this position until July 2013. In June 2015, Governor Kasich reappointed Jodie to a second term which will end in June 2021.

Her first day on the job was a homecoming for Jodie. From 1997 to 2000, Jodie served as an assistant to an IC Commissioner. In this role, she performed legal and legislative research, assisted during hearings, and gained an extensive understanding of the agency. After leaving the Commission, Jodie served as an attorney for two Columbus law firms, where she represented state-fund and self-insured employers at all levels of IC hearings and in court actions throughout Ohio. She is also a frequent lecturer on workers' compensation issues with extensive legal knowledge in both the private and public sectors.

Jodie earned her bachelor's degree in diplomacy and foreign affairs from Miami University in 1991. While at Miami, Jodie studied overseas in Luxembourg. In 1995, she received her law degree from the University of Akron School of Law. She is an Ohio State Bar Association member and is a board-certified specialist in workers' compensation.

Jodie lives in Dublin with her husband, Michael. In October 2009, they welcomed twins, a boy and a girl, Evan and Elizabeth.

Karen L. Gillmor, Ph.D.
Public Member
Dates of Service: July 2011 - June 2017

With over three decades of dedicated public service, Karen brings a tremendous knowledge of workers' compensation issues to the Ohio Industrial Commission.

A native of Ohio, she earned her diploma from Rocky River High School before earning a bachelor's degree with honors from Michigan State University and a master's degree and Ph.D. from The Ohio State University.

Her career shows a passionate interest in the fields of health care, labor relations and workers' compensation. From 1983 to 1986, Karen served as Chief of Management Planning and Research at the Ohio Industrial Commission. In this position, she authored a study of self-insurance, which was incorporated into Ohio's omnibus workers' compensation reform law. She also served as the employee representative to the Ohio Industrial Commission's Regional Board of Review and the Ohio Bureau of Workers' Compensation Oversight Commission.

Before coming to the IC, Karen was elected to Ohio's 26th Senate District seat in 1992, 1996 and 2008. She chaired the Senate Insurance, Commerce and Labor Committee, was a member of the Unemployment Compensation Advisory Committee, and the Labor-Management-Government Committee. She served as vice chairman of the State Employment Relations Board from 1997 to 2007, and was a consultant to the United States Secretary of Labor.

Nationally, Karen served on the Health Committee of the American Legislative Exchange Council, as well as on the Health and Human Services Committee of the Council of State Governments' Midwestern Region.

Karen was married to United States Congressman Paul Gillmor, who tragically passed away in 2007. They have five children, Linda, Julie, Paul Michael and twins Connor and Adam.

FISCAL YEAR HIGHLIGHTS

In addition to the Commissioners, there are 88 hearing officers — all attorneys — in five regional and seven district offices throughout the state.

In FY 2016, the IC heard 127,144 claims. District hearing officers heard 89,143 claims. Staff hearing officers heard 37,845 claims and the Commission heard 156 claims.

The IC consistently achieved a high success rate in adjudicating claims well within the periods mandated by law throughout this fiscal year. From filing date to hearing date, district level (first level) hearings averaged 31 days. Staff level (second level) hearing appeals averaged 33 days. Both averages are well below the 45 days mandated by law.

The statistics of filing date to mailing date were just as positive. For the district level, filing date to mailing date was 35 days on average. For the staff level, it averaged 36 days.

The Industrial Commission Online Network (ICON) is the primary reason for our continued success because it has made it easy to file appeals online. There were 57,591 first-level motions and appeals filed on ICON this fiscal year. There were also 56,916 second-level (or above) appeals filed on ICON during the fiscal year.

Customer Service received and responded to 921 Ask IC submissions during this fiscal year. The department also scheduled 1,172 interpreters for injured workers hearings. In addition, our toll-free customer service line and two local customer service lines received 11,432 calls this fiscal year. Staff personally assisted 24,413 people at our Columbus office. Customer Service also processed 137,706 documents.

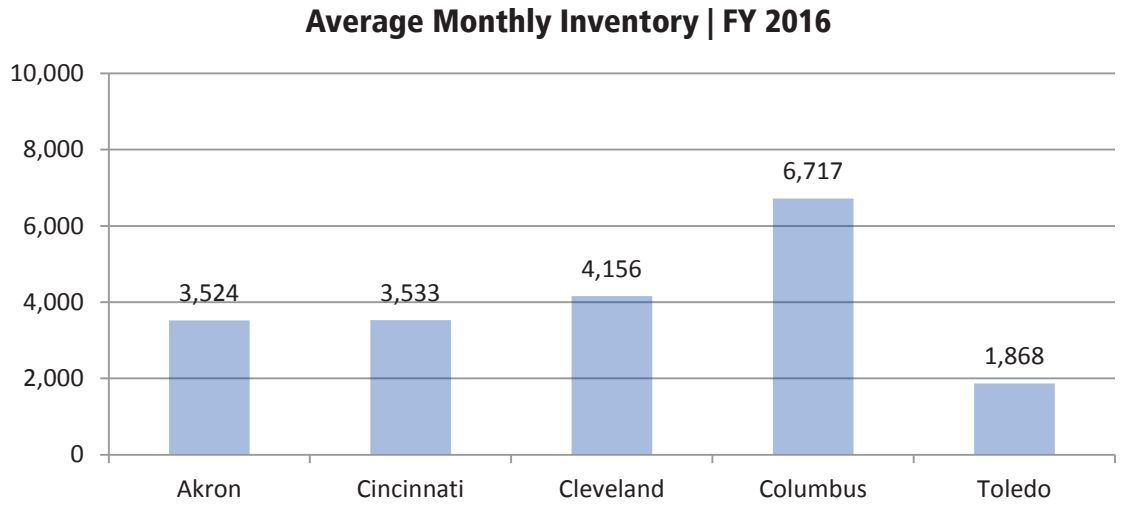
Motion/Appeal Filings

Industrial Commission workloads and performance are initiated by and heavily dependent upon the volume of new claims filed with the Bureau of Workers' Compensation along with new motion and appeal filings. IC inventory volume is subject to volatile daily swings dependent on appeal filings, claim flows from the BWC, docketing loads, and other factors.

Approximately 129,851 new first level motions and appeals were filed during FY 2016 for 82,250 separate claims. Additional appeals are filed at upper level commission venues.

Hearing Inventory*

Statewide average monthly DHO/SHO inventory was 19,798 claims for FY 2016. Regional breakdown of average inventories for FY 2016 is as follows: Columbus – 34 percent; Cleveland – 21 percent; Akron and Cincinnati – percent each; Toledo – 9 percent.



*Hearing inventory inclusive of medical inventory

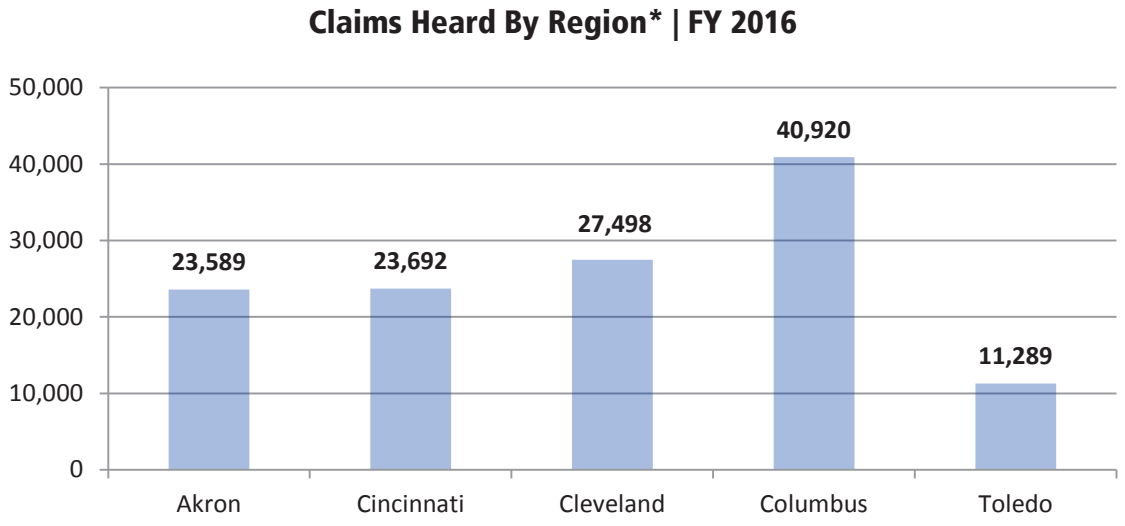
HEARING ACTIVITY

Formal hearings and administrative reviews account for the majority of Industrial Commission activity. In FY 2016, the IC made approximately 209,926 decisions on issues arising from workers' compensation claims.

During FY 2016, the IC performed 82,782 administrative reviews and heard a total of 127,144 claims at all adjudicatory levels. Claims heard is inclusive of hearings at the DHO, SHO, Deputy, and Commission venues. Administrative reviews incorporate issues that do not initially require formal adjudication via hearing (Hearing Administrator issues, Commission requests, cancellation requests, etc.). These issues receive review and processing at the claims examining, word processing, and hearing officer levels but are not typically reflected in routine production reports under DHO or SHO dockets. These issues may subsequently result in a hearing under the normal adjudicatory process and are reflected accordingly under respective hearing venues.

Claims Heard

The total DHO hearing volume accounts for 70 percent of the overall hearings during FY 2016 at 89,143 claims heard, while the SHO volume is recorded at 37,845 claims heard. Deputy venue claims heard totaled 58 in FY 2016 while the Commission venue recorded 98 claims heard. Total claims heard is inclusive of continuances, referrals, dismissals, and other final determinations made as a result of a hearing.

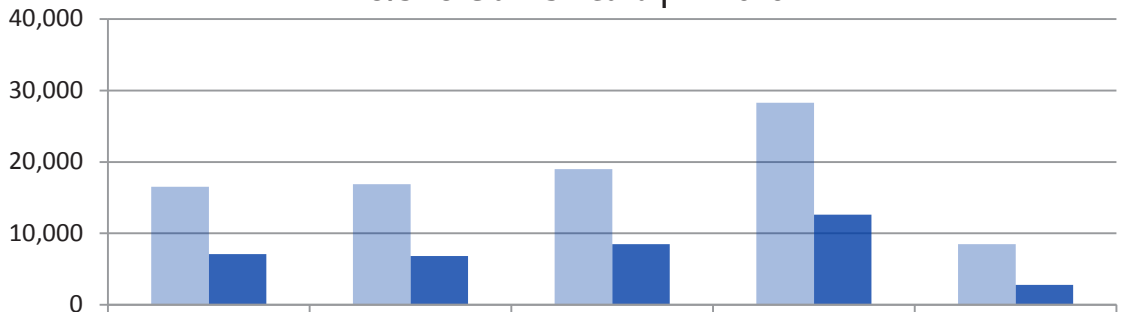


*DHO/SHO ONLY

Regionally, the distribution of FY 2016 claims heard at DHO and SHO hearing levels is as follows: Columbus at 32 percent; Cleveland at 22 percent; Akron and Cincinnati each at 19 percent; and Toledo at 9 percent.

DHO and SHO hearings were conducted on 247 days during FY 2016. An average of 514 claims was heard per hearing day at the DHO and SHO hearing levels. District Hearing Officers averaged 361 claims heard per day while Staff Hearing Officers averaged 153 claims heard per day.

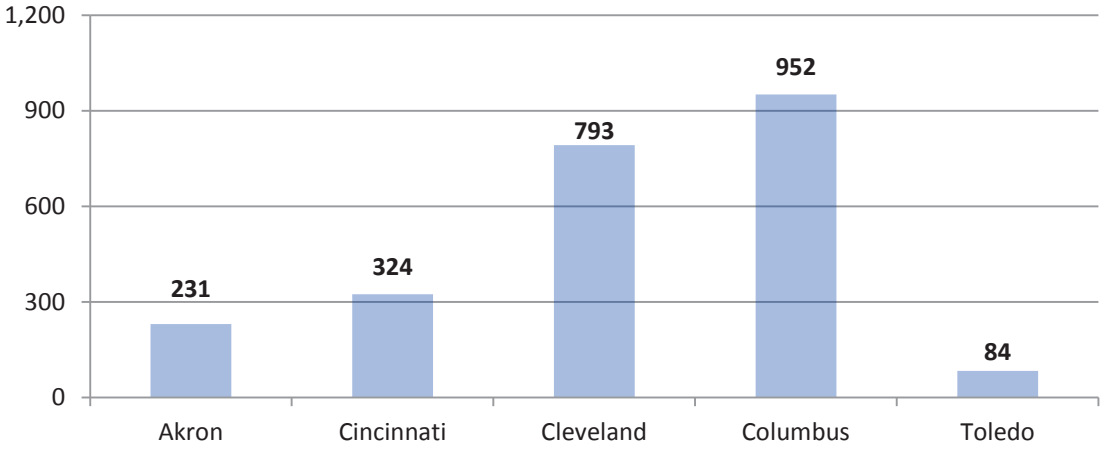
DHO/SHO Claims Heard | FY 2016



	Akron	Cincinnati	Cleveland	Columbus	Toledo
DHO	16,503	16,869	18,987	28,302	8,482
SHO	7,086	6,823	8,511	12,618	2,807

A total of 2,384 hearing records were flagged as requiring interpreter services during FY 2016 accounting for about two percent of total hearings held.

Hearings Held Requiring Interpreters | FY 2016



Note: An interpreter may not have been present at each hearing.

Hearings Held by Employer Group

Hearings were conducted for approximately 32,777 different employers in FY 2016. Hearings for claims of private state funded employers accounted for 55 percent of all hearings while self-insuring employers accounted for 28 percent; public county employers accounted for 13 percent; and public state employers' claims accounted for 4 percent.

The volume of *claims heard* reflects actual employee workload production as each claim must be reviewed and processed at multiple levels to perfect the adjudication process. Given that multiple claims may be scheduled for presentation at one hearing, the *hearings held* figure might be slightly lower. For example, one PTD hearing may include three claims to be considered for an injured worker. Reporting would reflect these totals accordingly.

Hearings Held by Employer Group

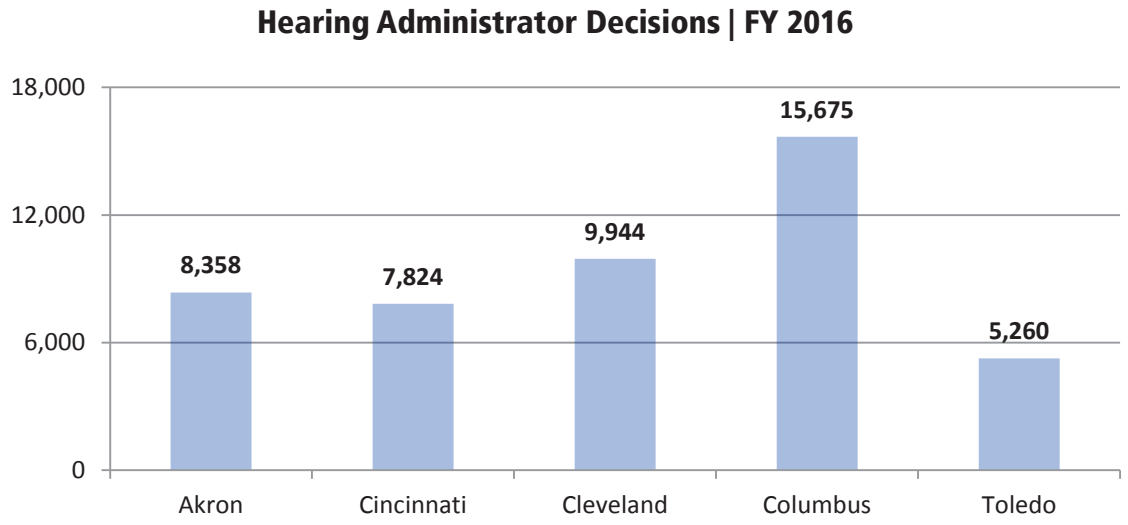
Employer Type	State Fund	Self-Insured	Pol. Sub (County)	State	Total
Hearings Held	69,159	35,521	16,795	5,405	126,880
Claims Heard*	69,210	35,559	17,046	5,469	127,284

* Claims heard inclusive of PT Heard-With claims

Hearing Administrator

Hearing Administrators perform a variety of functions that facilitate the adjudication process. In addition to processing approximately 25,866 continuance requests during FY 2016, they also processed 15,673 requests to withdraw motions or appeals and cancel scheduled hearings. Additionally, Hearing Administrators processed requests for extensions related to PTD filings and requests regarding other miscellaneous issues.

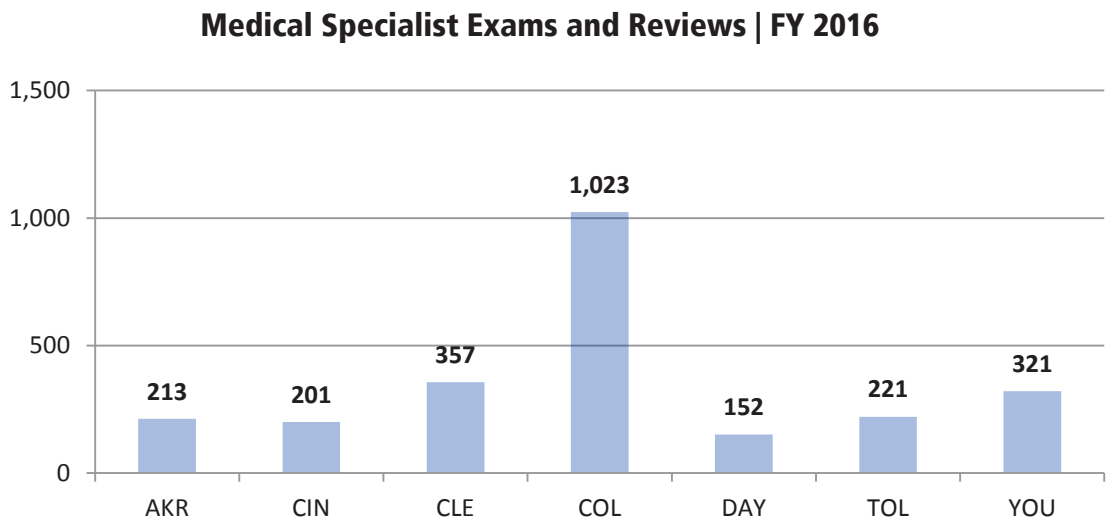
Statewide, Hearing Administrators made decisions on, or referred to hearing, approximately 47,061 issues during FY 2016. Regional volumes of Hearing Administrator activity are presented in the graph below.



Medical Activity

The Industrial Commission schedules medical exams for injured workers that have filed for permanent total disability benefits related to work injuries. Most of these claims will result in a subsequent hearing. The volume of claims within the IC medical section as of June 30, 2016, was 385 claims.

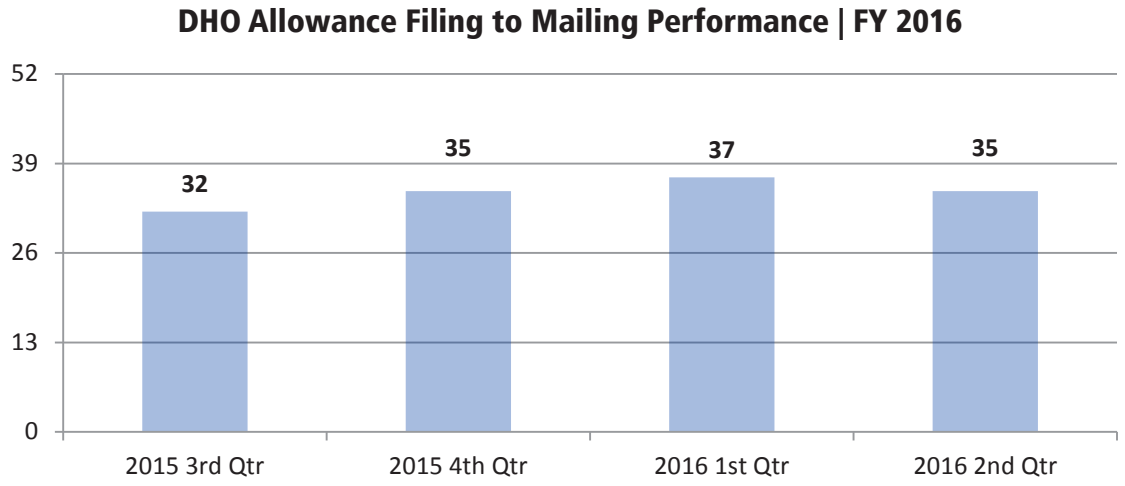
A total of 2,488 specialist exams and medical reviews were performed on behalf of the Industrial Commission during FY 2016.



Hearing time frame performance mandates have been set forth in Ohio Revised Code 4123.511 for the DHO, SHO, and Commission hearing venues. On average, all IC offices and venues performed within the statutory limits set forth that require a claim to be heard within 45 days of a motion or appeal filing. The overall IC performance benchmarks for *Filing to Mailing* are set at 52 days for each hearing venue. This performance measure is based on the combination of the two statutory periods *Filing to Hearing* and *Hearing to Mailing* (45 + 7).

DHO Performance

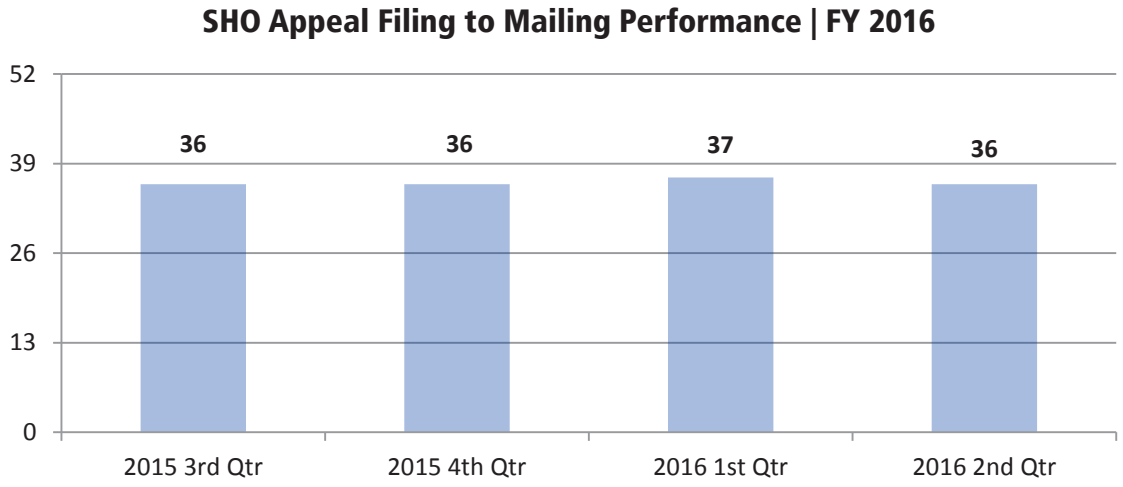
District hearing officers (DHO) conduct hearings on two formal docket types – *Allowance* (primarily injury allowance, compensation, and treatment issues) and *C-92* (permanent partial disability issues). Only allowance docket issues fall under time frame requirements outlined in Ohio Revised Code 4123.511. DHOs heard a total of 70,050 allowance docket claims during FY 2016. Of those, 52,506 qualified for inclusion in time studies. On average, the DHO process (filing of motion/appeal to mailing of DHO order) was completed within 35 days during FY 2016.



Appeals or motions heard on DHO Allowance dockets must be heard within a 45-day period [R.C. 4123.511(C)]. In FY 2016, DHO Allowance processes averaged 31 days for the statutory filing to hearing period.

SHO Performance

Staff hearing officers (SHO) conduct hearings on five formal docket types – *Appeal* (primarily injury allowance, compensation, and treatment issues), *PTD* (permanent total disability), *Reconsideration* (permanent partial disability issues), *VSSR* (Violations of Specific Safety Requirements), and *MISC* (other issues not designated to a pre-defined docket type). Only appeal docket issues fall under time frame requirements outlined in R.C. 4123.511. SHOs heard 31,815 appeal claims during FY 2016. Of those, 26,731 qualified for inclusion in time studies.

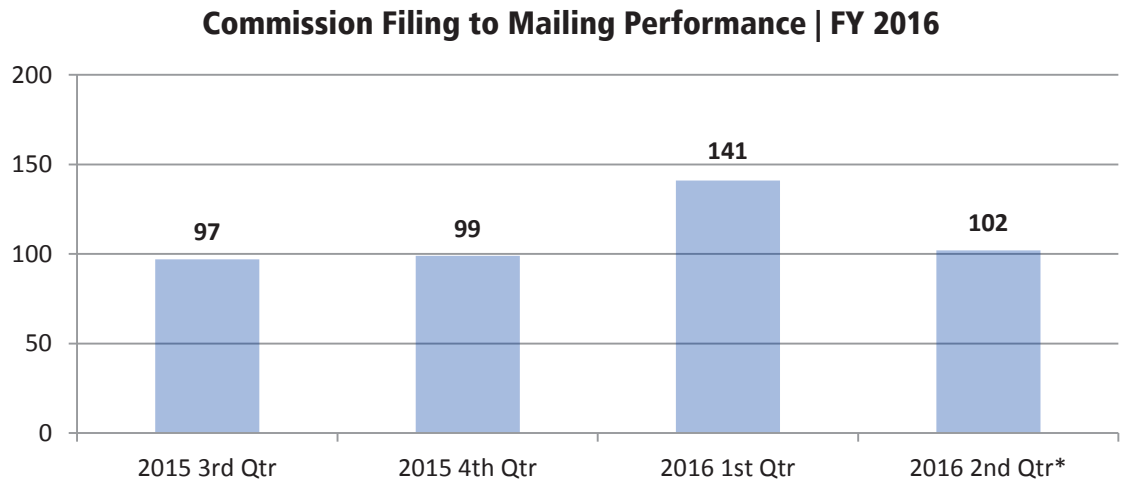


Staff Hearing level appeals must be heard within a 45-day period [RC 4123.511(D)]. In FY 2016, Staff Appeal processes averaged 33 days for the statutory filing to hearing period.

Commission Performance

For hearings conducted during FY 2016, the Commission venue average for the statutory ***Filing of Appeal to Hearing Date (F-H)*** period is 58 days.

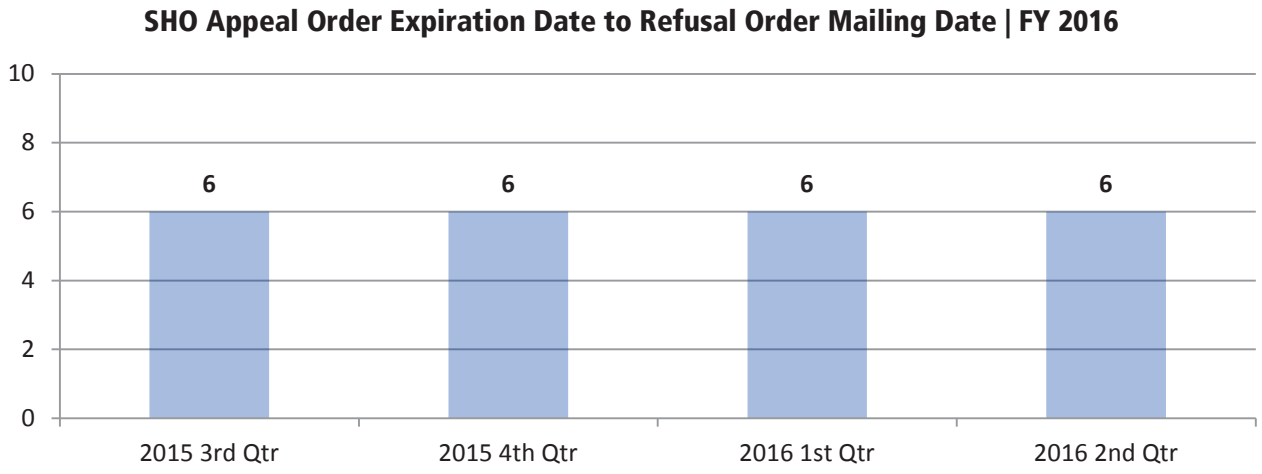
The Commission venue average for the ***Filing of Appeal to Mailing of Order*** time frame is 110 days.



*Eligible commission orders through May 2016

SHO Refusal Order Performance

Appeals to SHO orders are discretionary in nature and processed centrally by the Commission Level Hearing Section in Columbus. Per mandate, if an appeal is refused, it is to receive a refusal order within 14 days of the expiration period in which an appeal may be filed to an SHO order.



LOCATIONS & CONTACTS

Customer Service and Interpretive Services

800.521.2691; toll free, nationwide
614.466.6136; Franklin County
800.686.1589; toll free, TDD

Email: askic@ic.ohio.gov
Web: www.ic.ohio.gov

AKRON REGION

Akron
161 S. High St., Suite 301
Akron, Ohio 44308-1602

Tel: 330.643.3550
Fax: 330.643.1468

Mansfield
240 Tappan Drive N., Suite A
Mansfield, Ohio 44906

Tel: 419.529.1360
Fax: 419.529.3084

CINCINNATI REGION

Cincinnati*
125 E. Court St., Suite 600
Cincinnati, Ohio 45202-1211

Tel: 513.357.9750
Fax: 513.723.9811

Dayton*
1242 E. Dayton-Yellow Springs Rd.
Fairborn, OH 45324

Tel: 937.264.5116
Fax: 937.264.5130

CLEVELAND REGION

Cleveland*
615 Superior Ave. NW, 5th Floor
Cleveland, Ohio 44113-1898

Tel: 216.787.3001
Fax: 216.787.3483

Youngstown*
242 Federal Plaza West
Youngstown, Ohio 44503-1206

Tel: 330.792.1063
Fax: 330.792.2473

*In-House Medical Examination Locations

COLUMBUS REGION

Columbus*
30 W. Spring St., 7th Floor
Columbus, Ohio 43215-2233

Tel: 614.466.4683
Fax: 614.644.8373

Cambridge
2130 E. Wheeling Ave.
Cambridge, Ohio 43725

Tel: 740.435.4000
Fax: 740.435.4010

Logan
12898 Grey St.
Logan, Ohio 43138

Tel: 740.380.9685
Fax: 740.385.2436

Portsmouth
1005 Fourth St.
Portsmouth, Ohio 45662-4315

Tel: 740.354.2334
Fax: 740.353.6975

TOLEDO REGION

Toledo*
One Government Center, Suite 1500
640 Jackson Street
Toledo, Ohio 43604

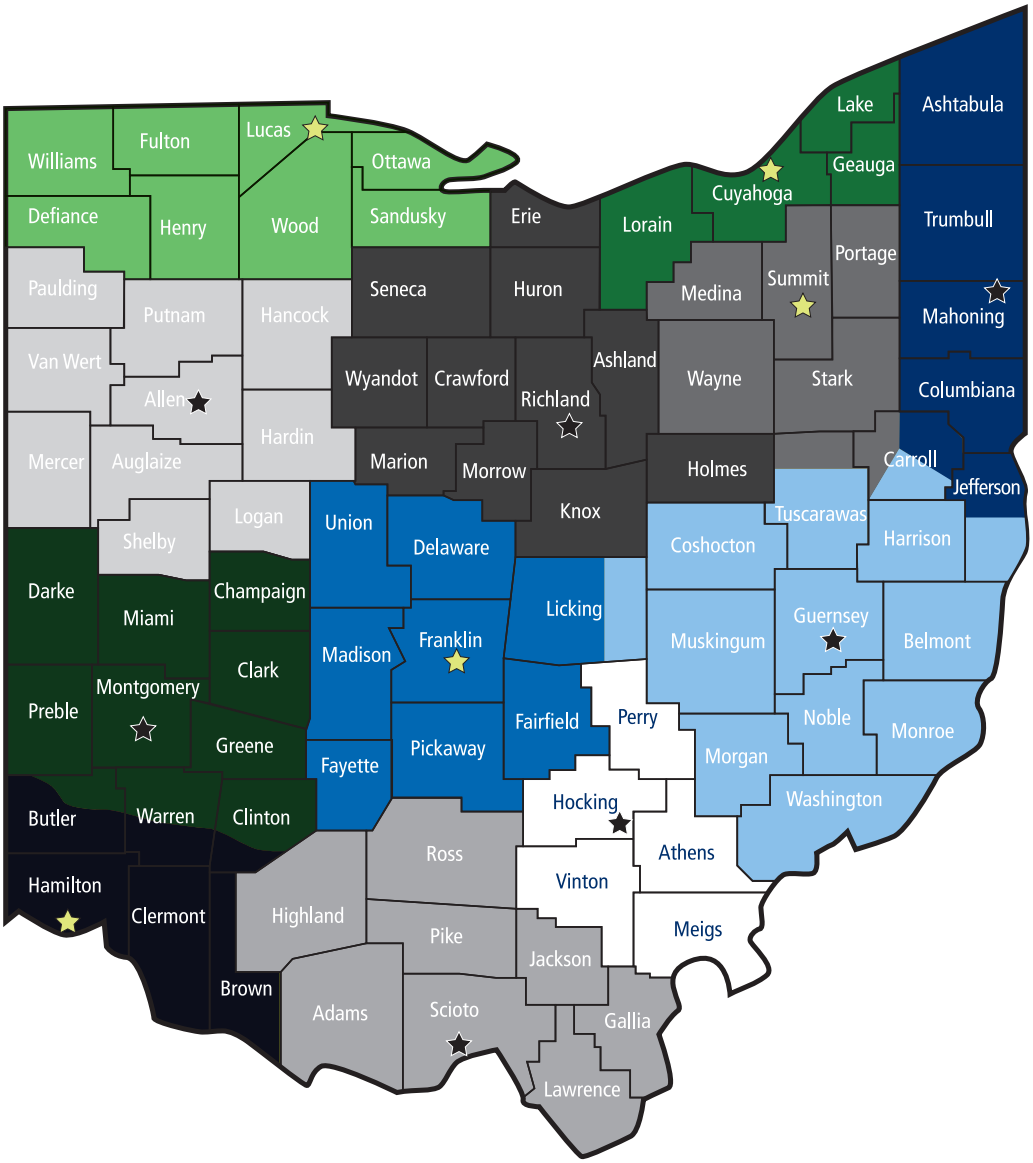
Tel: 419.245.2740
Fax: 419.245.2652

Lima
2025 E. Fourth St.
Lima, Ohio 45804-0780

Tel: 419.227.7193
Fax: 419.227.7150

DISTRICT OFFICE ASSIGNMENT MAP

Our 12 offices in 5 regions blanket the state. IC office locations are carefully chosen so that most injured workers do not have to drive more than 45 minutes from their home to get to their hearing.



Offices Servicing Each County

- Akron
- Columbus
- Mansfield
- Cambridge
- Dayton
- Portsmouth
- Cincinnati
- Lima
- Toledo
- Cleveland
- Logan
- Youngstown

★ IC District Office Location

☆ IC Regional Office Location

Ohio | Industrial Commission

Timely, Impartial Resolution of Workers' Compensation Appeals

30 West Spring Street, Columbus, Ohio 43215

www.ic.ohio.gov, (800) 521-2691

John R. Kasich, Governor
Mary Taylor, Lt. Governor

Thomas H. Bainbridge, Chairman
Jodie M. Taylor, Member
Karen L. Gillmor, Ph.D., Member

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