

Ohio | Industrial Commission
ANNUAL REPORT

20 FISCAL YEAR
17





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LETTER FROM THE CHAIRMAN



I am pleased to present the Ohio Industrial Commission's Annual Report for Fiscal Year (FY) 2017. The Ohio Industrial Commission (IC) is committed to being a leader in both customer service and fiscal accountability. Our approach has shown that it is possible to put the customer first while lessening the financial burden of those who pay into Ohio's workers' compensation system. Throughout FY 2017, our agency has provided injured workers and employers with timely, impartial resolution of their workers' compensation appeals while implementing innovative ideas at a minimal cost. A few of our fiscal year highlights:

- Budget stability continued as expenditures for the FY 2017 budget totaled \$46 million, marking the fifth year in a row that expenses have remained between \$45MM and \$46MM despite mandated pay increases and rising fringe rate costs.
- Maintained a consistent Administrative Cost Fund rate environment whereby assessed rates remained unchanged for two risk groups while decreasing for one risk group and increasing modestly for another.
- Decreased mandamus complaints filed in the Tenth District Court of Appeals by 10 percent.
- Exceeded the statutory threshold for expenditures directed toward certified Minority Business Enterprises (MBE) for the seventh consecutive year with a 32.9 percent rate.
- Completed a substantive update of the former Hearing Officer Manual, now named "Adjudications before the Ohio Industrial Commission" in August 2016.
- Implemented a Case Manager solution for the hearing officer and the claims examiner functions for the hearing process.
- Created a document upload feature in ICON (Industrial Commission Online Network) and made it available to all representatives. Nearly 30 percent of hearing documents are being submitted by using this function.
- Added new functionality to ICON to allow representatives to download hearing documents in bulk. This allows representatives to review documents without being signed on to ICON.
- Upgraded the security camera system in the public areas of the 12 IC offices and the warehouse.
- Renovated the Columbus Regional Office located on the seventh floor of agency headquarters and completed the carpet, paint and logo renovation for the Cambridge District Office.
- Installed new directional signs, new office nameplates and agency logo in every IC office.

Our accomplishments will only continue into the next fiscal year because our agency values providing excellent service to our customers while never forgetting the importance of responsible financial stewardship. I am privileged to lead an agency that is filled with dedicated public servants who passionately care about the well-being of their fellow Ohioans. In the future, our customers can expect to receive the top-notch service that is expected of the Ohio Industrial Commission. Injured workers and employers can be confident that they will continue to receive a swift and impartial resolution to their workers' compensation appeals. To achieve this goal, the IC will continue to implement new technologies efficiently while seeking new ways to simplify our processes.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Bainbridge". The signature is stylized and written over a white background.

Tim Bainbridge
Chairman

ABOUT US

The IC conducts more than 113,000 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-insuring 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 2017 - June 2023

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

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 Industrial Commission of Ohio. 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 Industrial Commission of Ohio's Regional Board of Review and the Ohio Bureau of Workers' Compensation Oversight Commission. Karen was first appointed to the IC by Governor John Kasich in July 2011 and was appointed to a second term in July 2017.

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 chair 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 85 hearing officers — all attorneys — in five regional and seven district offices throughout the state.

In FY 2017, the IC heard 113,829 claims. District hearing officers heard 79,386 claims. Staff hearing officers heard 34,209 claims and the Commission heard 234 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 37 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 52,697 first-level motions and appeals filed on ICON this fiscal year. There were also 52,189 second-level (or above) appeals filed on ICON during the fiscal year.

Customer Service received and responded to 1,001 Askic submissions during this fiscal year. The department also scheduled 1,198 interpreters for injured workers hearings. In addition, our toll-free customer service line and two local customer service lines received 9,130 calls this fiscal year. Staff personnel assisted 20,213 people at our Columbus office. Customer Service also processed 145,966 documents.

INVENTORY

Motion/Appeal Filings

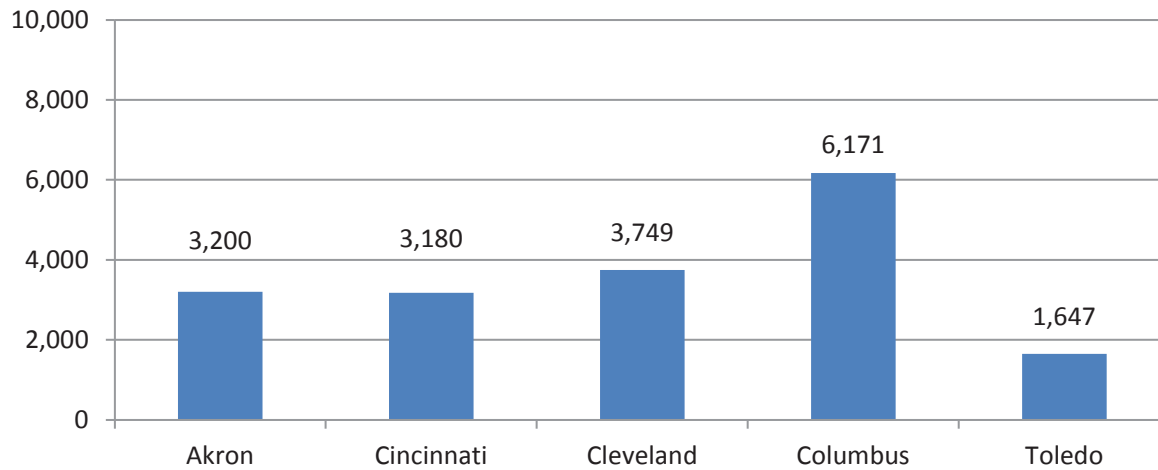
Industrial Commission workloads and performance are initiated by and heavily dependent upon the volume of new claims filed with the Bureau of Workers' Compensation along with new motion and appeal filings. IC inventory volume is subject to volatile daily swings dependent on appeal filings, claim flows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

Approximately 115,328 new first level motions and appeals were filed during FY 2017 for 74,101 separate claims. Additional appeals are filed at upper level commission venues.

Hearing Inventory

Statewide average monthly DHO/SHO inventory was 17,947 claims for FY 2017. Regional breakdown of average inventories for FY 2017 is as follows (figures rounded): Columbus – 34 percent; Cleveland – 21 percent; Akron and Cincinnati – 18 percent each; and Toledo – 9 percent.

Average Monthly Inventory | FY 2017



Hearing inventory inclusive of medical inventory

HEARING ACTIVITY

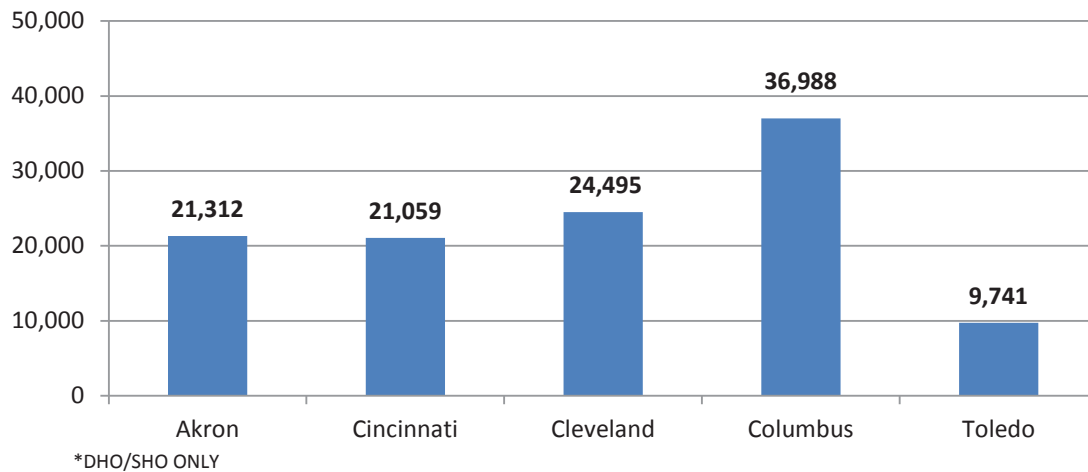
Formal hearings and administrative reviews account for the majority of Industrial Commission activity. In FY 2017, the IC made approximately 186,702 decisions on issues arising from workers' compensation claims.

During FY 2017, the IC performed 72,856 administrative reviews and heard a total of 113,846 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

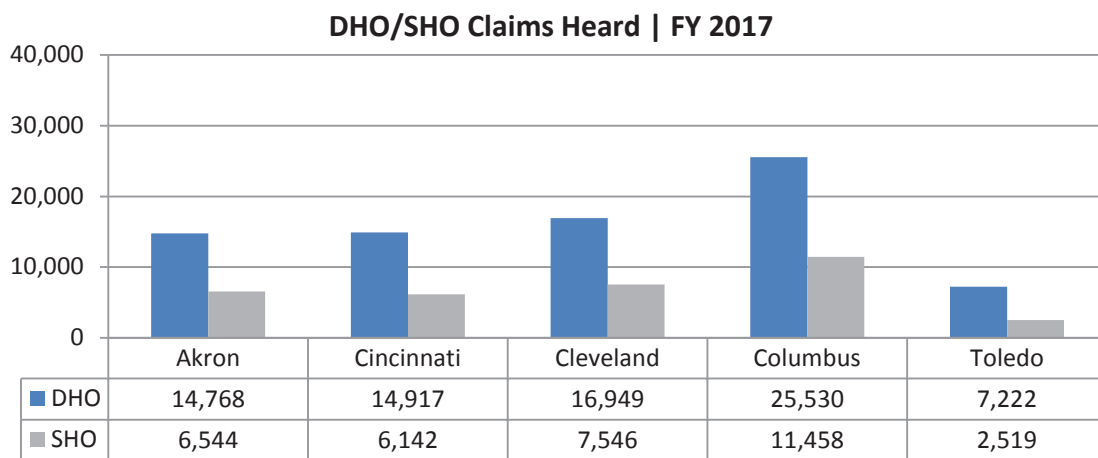
The total DHO hearing volume accounts for 70 percent of the overall hearings during FY 2017 at 79,386 claims heard, while the SHO volume is recorded at 34,209 claims heard. Deputy venue claims heard totaled 79 in FY 2017 while the Commission venue recorded 172 claims heard. Total claims heard is inclusive of continuances, referrals, dismissals, and other final determinations made as a result of a hearing.

Claims Heard By Region* | FY 2017

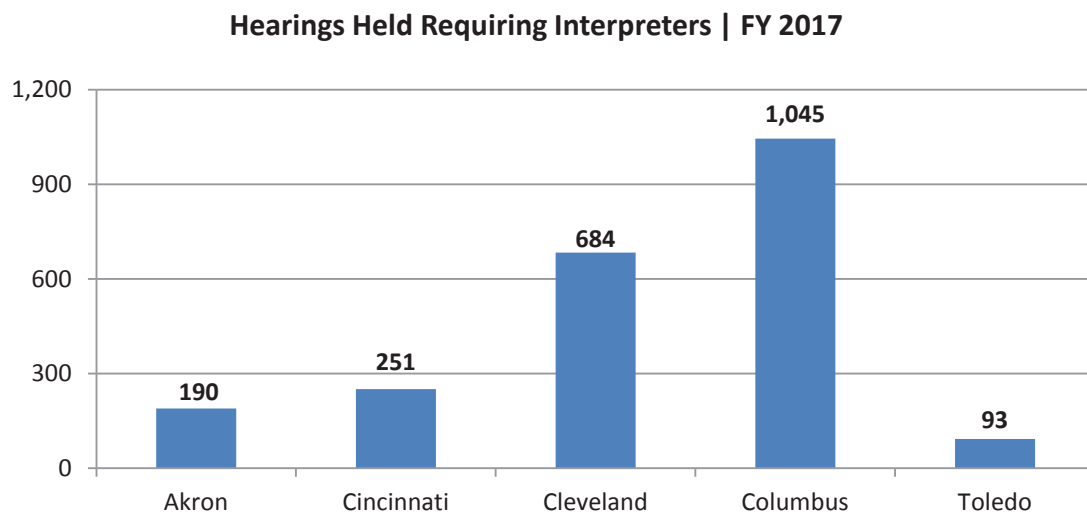


Regionally, the distribution of FY 2016 claims heard at DHO and SHO hearing levels is as follows (figures rounded): Columbus at 33 percent; Cleveland at 22 percent; Akron at 19 percent; Cincinnati at 19 percent and Toledo at 9 percent.

DHO and SHO hearings were conducted on 249 days during FY 2017. An average of 456 claims were heard per hearing day at the DHO and SHO hearing levels. District Hearing Officers averaged 319 claims heard per day while Staff Hearing Officers averaged 137 claims heard per day.



A total of 2,263 hearing records were flagged as requiring interpreter services during FY 2017 accounting for about two percent of total hearings held. During FY 2017, 1,198 interpreters were scheduled for IC hearings.



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

HEARING ACTIVITY

Hearings Held by Employer Group

Hearings were conducted for approximately 30,611 different employers in FY 2017. Hearings for claims of private state funded employers accounted for 55 percent of all hearings while self-insuring employers accounted for 27 percent; public county employers accounted for 14 percent; and public state employers' claims accounted for 5 percent (figures rounded).

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 | 62,226 | 30,324 | 15,812 | 5,174 | 113,536 |
| Claims Heard* | 62,181 | 30,365 | 16,079 | 5,221 | 113,846 |

* Claims heard inclusive of PT Heard-With claims

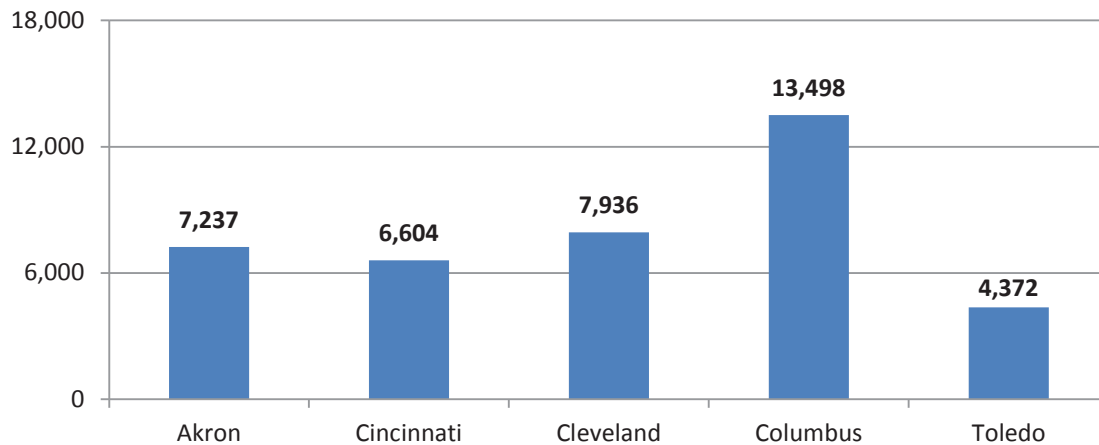
HEARING ACTIVITY

Hearing Administrator

Hearing Administrators perform a variety of functions that facilitate the adjudication process. In addition to processing approximately 21,870 continuance requests during FY 2017, they also processed 12,888 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 39,647 issues during FY 2017. Regional volumes of Hearing Administrator activity are presented in the graph below.

Hearing Administrator Decisions | FY 2017



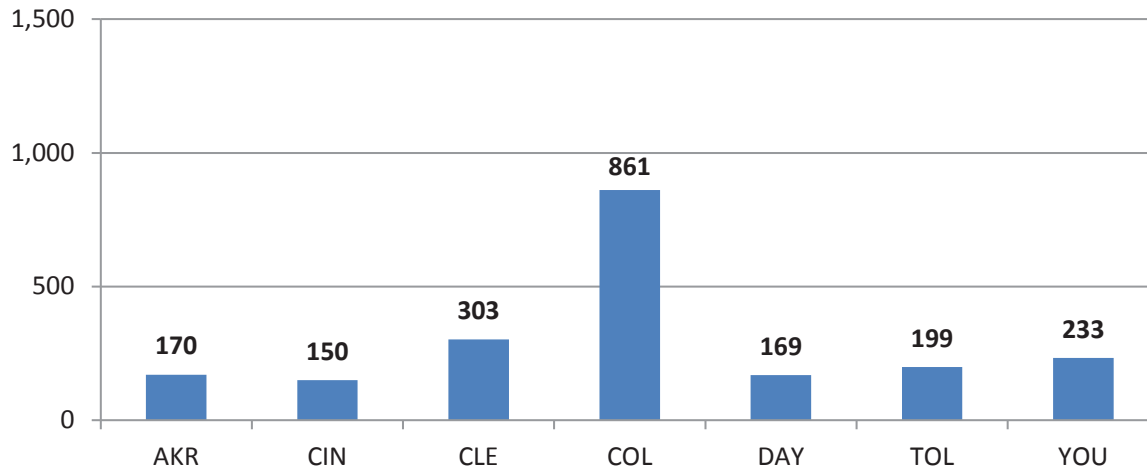
HEARING ACTIVITY

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, 2017, was 363 claims.

A total of 2,085 specialist exams and medical reviews were performed on behalf of the Industrial Commission during FY 2017.

Medical Specialist Exams and Reviews | FY 2017



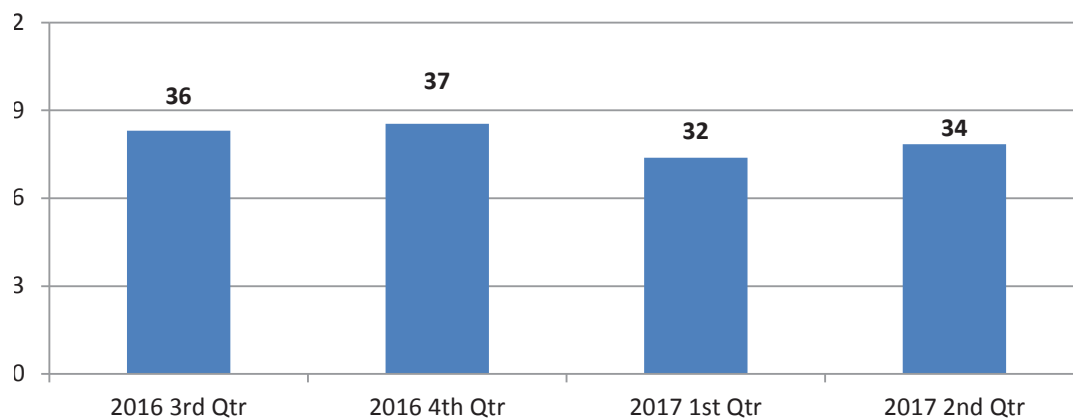
PERFORMANCE

Hearing time frame performance mandates have been set forth in R.C. 4123.511 for the DHO, SHO, and Commission hearing venues. On average, all IC offices 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 R.C. 4123.511. DHOs heard a total of 63,863 allowance docket claims during FY 2017. Of those, 47,508 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 2017.

DHO Allowance Filing to Mailing Performance | FY 2017



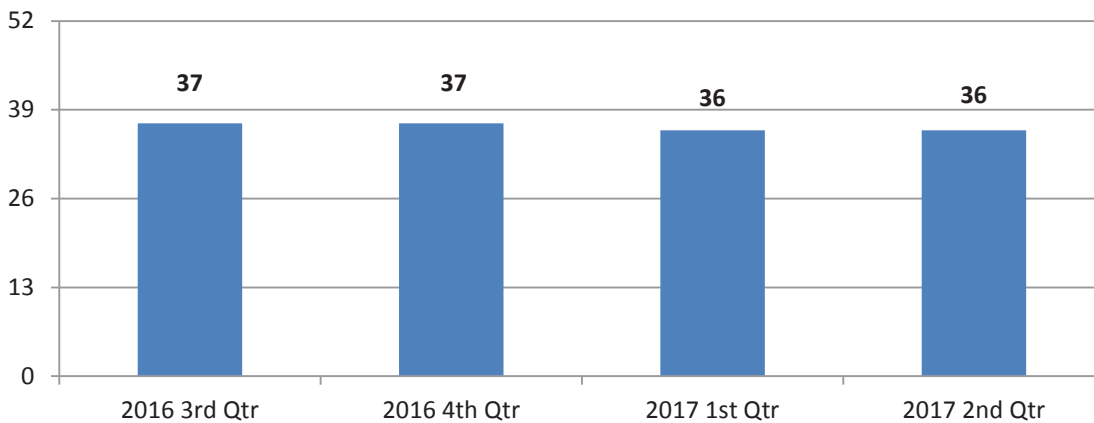
Appeals or motions heard on DHO Allowance dockets must be heard within a 45-day period [R.C. 4123.511(C)]. In FY 2017, DHO Allowance processes averaged 31 days for the statutory filing to hearing period.

PERFORMANCE

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 a total of 29,121 appeal claims during FY 2017. Of those, 25,152 qualified for inclusion in time studies.

SHO Appeal Filing to Mailing Performance | FY 2017



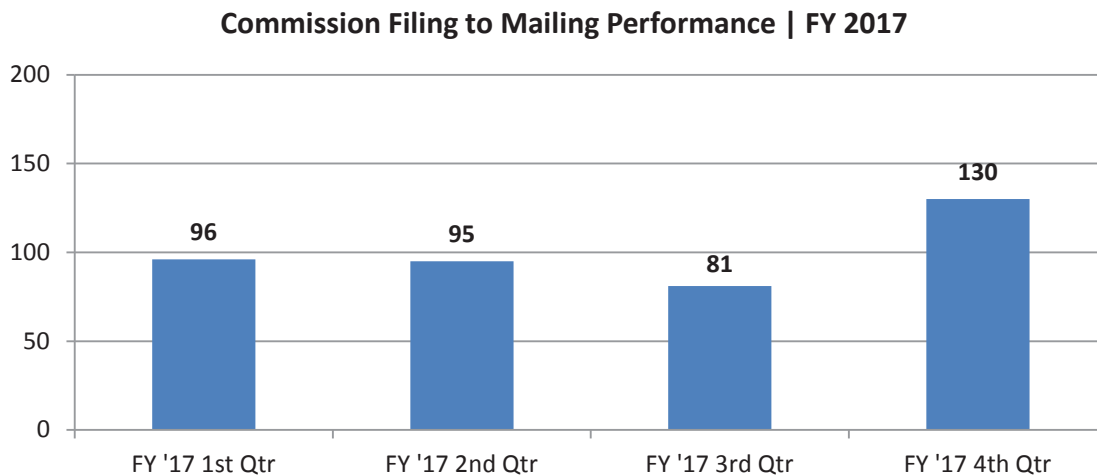
Staff level appeals must be heard within a 45-day period [RC 4123.511(D)]. In FY 2017, Staff level appeal processes averaged 33 days for the statutory filing to hearing period.

PERFORMANCE

Commission Performance

For hearings conducted during FY 2017, the Commission venue average for the statutory **Filing of Appeal to Hearing Date (F-H)** period is 47 days.

The Commission venue average for the **Filing of Appeal to Mailing of Order** time frame is 93 days.



*Eligible commission orders through May 2017

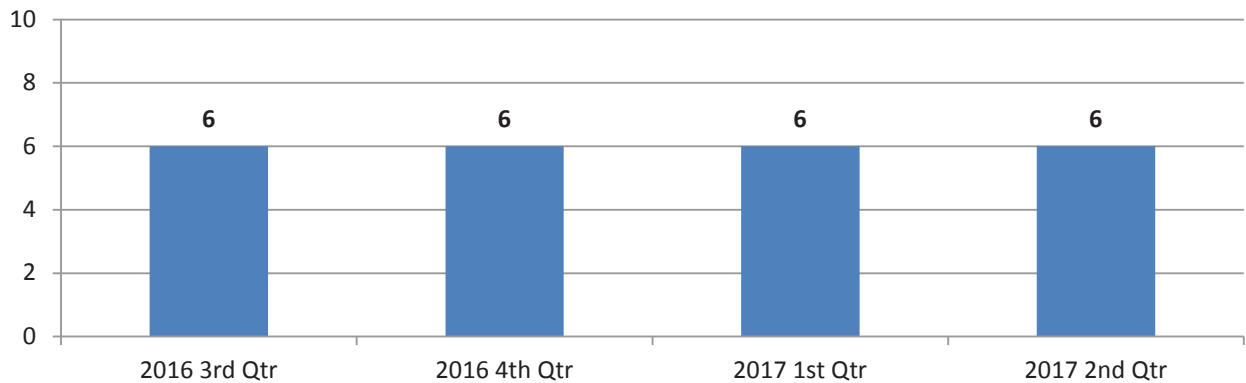
The sample size in the FY 2017 fourth quarter time study results is generally insufficient for compiling a valid performance estimate as it allows for inequitable skewing of the average. The claims included for this period comprised circumstances requiring extensive legal research, analysis, and consideration above the norms typically presented in issues adjudicated at the Commission level. Thus, the amount of time required to produce final orders is reflected in the overall Filing to Mailing average for the respective reporting period.

PERFORMANCE

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.

SHO Appeal Order Expiration Date to Refusal Order Mailing Date | FY 2017



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

Youngstown*

242 Federal Plaza West
Youngstown, Ohio 44503-1206

Tel: 330.792.1063
Fax: 330.792.2473

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

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

Mansfield

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

Tel: 419.529.1360
Fax: 419.529.3084

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

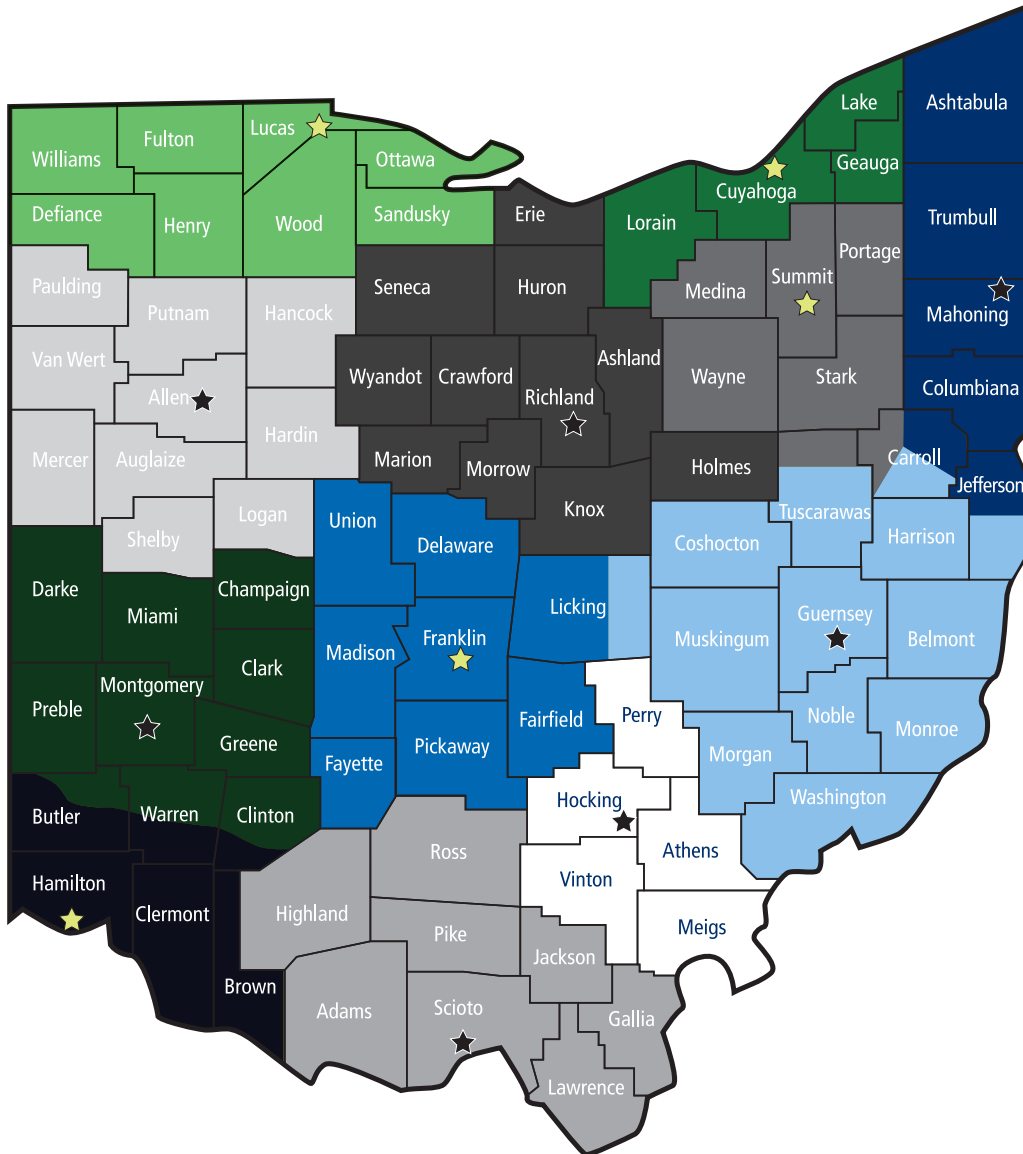
2025 E. Fourth St.
Lima, Ohio 45804-0780

Tel: 419.227.7193
Fax: 419.227.7150

*In-House Medical Examination Locations

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

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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