

Salary Continuation Policy

What is salary continuation?

Salary continuation (wages in lieu of temporary total compensation) allows an employer to pay an employee his or her regular wages after a workplace injury or illness occurs.

The injured worker has the option to accept salary continuation if he or she so chooses unless there is a collective bargaining contract that states otherwise. The employer may pay the injured worker salary continuation until either party terminates payment. At that time, workers' compensation benefits may take effect, if appropriate.

If we find, at any time, the employer is not paying the injured worker's regular wages, we will begin paying temporary total compensation with supporting medical evidence and a signed request by the injured worker.

This fact sheet provides an overview of injured worker and employer responsibilities and rights related to salary continuation. This list is not all inclusive.

The injured worker's responsibilities and rights

- You are not required to accept salary continuation in lieu of temporary total compensation. However, a collective bargaining contract may supersede this policy.
- You should not experience a break in service that impacts seniority or other benefits when your employer pays salary continuation.
- Your employer cannot force you to use sick time, unless there is a collective bargaining contract that states otherwise.

The employer's responsibilities and rights

- Your injured worker must receive a full check at the next scheduled time after the injury or illness occurs. You cannot wait until we or the Industrial Commission of Ohio (IC) makes a determination. If you miss paying an injured worker at a scheduled time, you forfeit salary continuation rights on the claim and temporary total will begin with supporting medical evidence and a signed request by the injured worker.
- You may not wait until the injured worker has missed 14 days to pay the first seven days. You must pay salary continuation when it is apparent the injured worker will

miss eight or more days due to the work-related injury or illness. Payment of eight or more days of salary continuation indicates a lost-time claim.

- You are not required to pay salary continuation if the claim appears to be a medical-only claim. If you pay salary continuation for less than eight days, the claim remains medical only. If a medical-only claim subsequently becomes lost time and you wish to pay salary continuation, you must pay all days at that time.
- If you wish to pay salary continuation, you must notify us before we issue the initial determination decision.
- You cannot pay salary continuation once we have ordered temporary total compensation, unless required by a collective bargaining contract.
- You must report in writing the injured worker's earnings. This earnings report must be for the 52-week period *prior* to the date of injury – or whatever portion of that time the injured worker worked for your company. We use this information to determine the full and average weekly wage in the claim.
- You must submit a *Salary Continuation Agreement* (C-55), signed by a representative of your company and the injured worker, for each period of salary continuation to be paid. This does not mean for each pay period, but for each period of disability as identified on the C-55. You should base the end date on the expected period of disability as supported by medical documentation, not to exceed 45 days. Do not list "until return to work" or a vague future date on the form to avoid submitting additional C-55s.
- You should pay salary continuation only for periods of disability related to the allowed conditions in the claim. We encourage you to review medical documentation to confirm that the injured worker remains off work for the allowed conditions and to determine if return to work (light duty) is possible.
- **Important note** – If we discover the injured worker continues to work other jobs, we will notify the employer.
- You may choose to *only* cover your company's portion of the injured worker's lost wages if the employee had more than one job at the time of the accident. We would cover the difference for the injured worker.

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- **However, you may choose to pay wages from the injured worker's other job(s).** The injured worker would not suffer any loss of wages. This would suppress reserves for claims with dates of injury prior to Jan. 1, 2011.
- You may pay an injured worker the wage he or she earned prior to the injury even if the worker returns to work and is in a different position due to work restrictions.
- You must notify us within 72 hours when you have discontinued the payment of salary continuation and/or when the injured worker returns to work. Failure to do so may impact your eligibility to participate in the salary continuation program.
- Under salary continuation, you, BWC or the IC may schedule an independent medical exam (IME). The IME is scheduled to address issues such as return-to-work capability, functional limitations/restrictions, vocational rehabilitation potential, maximum medical improvement (MMI) and appropriateness of current treatment. However, an IME is not scheduled for the sole purpose of determining the issue of MMI. A finding of MMI has no impact on payment of salary continuation. Also, we do not view salary continuation as temporary total compensation for the purpose of scheduling a 90-day exam.
- We do not authorize you to award wage loss, permanent partial, permanent total, death awards or any other awards.
- You cannot pay salary continuation to an injured worker who no longer works for your company.
- The payment of salary continuation will no longer suppress the claim reserve for claims with a date of injury on or after Jan. 1, 2011.

If you have questions regarding our salary continuation policy, please contact your claims service specialist or employer services specialist at your local customer service office, or call 1-800-OHIOBWC.