

# PL-1460: WORKERS' COMPENSATION LAW

## Cuyahoga Community College

### Viewing: PL-1460 : Workers' Compensation Law

**Board of Trustees:**

March 2020

**Academic Term:**

Fall 2020

**Subject Code**

PL - Paralegal Studies

**Course Number:**

1460

**Title:**

Workers' Compensation Law

**Catalog Description:**

Study of Ohio Bureau of Workers' Compensation and Industrial Commission of Ohio, with emphasis on claims and procedures involving injured workers and benefits available. Preparation of injured worker forms and employer forms. Practice in calculating compensation for injuries, determining and preparing employer defenses, and determining and creating both injured worker and employer appeals.

**Credit Hour(s):**

3

**Lecture Hour(s):**

3

**Lab Hour(s):**

0

**Other Hour(s):**

0

### Requisites

**Prerequisite and Corequisite**

None.

### Outcomes

**Course Outcome(s):**

Apply the roles of the Ohio Workers' Compensation system and the Ohio Industrial Commission to employee coverage and employer obligations.

**Essential Learning Outcome Mapping:**

Critical/Creative Thinking: Analyze, evaluate, and synthesize information in order to consider problems/ideas and transform them in innovative or imaginative ways.

**Objective(s):**

1. Recognize the sources of laws impacting injuries to parties in the workplace, including the Ohio Constitution, Ohio statutory law, Ohio case law, rules promulgated by the Ohio Bureau of Workers' Compensation, and decisions published by the Ohio Industrial Commission.
2. Identify and perform tasks consistent with the roles and responsibilities of the Ohio Bureau of Workers' Compensation, the Ohio Industrial Commission, and the Courts of Common Pleas.
3. Identify the roles and responsibilities of Bureau of Workers' Compensation and Ohio Industrial Commission personnel.

**Course Outcome(s):**

Determine the critical issues pertaining to work related injuries (i.e., place of injury, time of injury, status of injured party) along with employer defenses which can be raised.

**Essential Learning Outcome Mapping:**

Critical/Creative Thinking: Analyze, evaluate, and synthesize information in order to consider problems/ideas and transform them in innovative or imaginative ways.

**Objective(s):**

1. Identify defenses impacting a workers' compensation claim.
2. Recognize and research critical issues impacting a workers' compensation claim.
3. Recognize ancillary claims and issues impacting a work-related injury.
4. Recognize the impact of the Occupational Safety and Health Administration (OSHA).
5. Prepare OSHA reporting and recording documents.
6. Address issues involving OSHA inspections.
7. Identify and research Violation of Specific Safety Requirements (VSSR) claims.

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**Course Outcome(s):**

Perform client interviews (both injured party and employer) to determine the necessary information for injured worker forms and employer generated forms.

**Essential Learning Outcome Mapping:**

Oral Communication: Demonstrate effective verbal and nonverbal communication for an intended audience that is clear, organized, and delivered effectively following the standard conventions of that language.

**Objective(s):**

1. Interview the claimant or employer and collect medical information, payroll information, and/or requisite information to process or defend a claim.
2. Prepare client for administrative and judicial hearings.

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**Course Outcome(s):**

Determine the Ohio Workers' Compensation injury category, including death claims, based on the harm and the type of injury.

**Essential Learning Outcome Mapping:**

Critical/Creative Thinking: Analyze, evaluate, and synthesize information in order to consider problems/ideas and transform them in innovative or imaginative ways.

**Objective(s):**

1. Complete applicable documentation in order to secure claim information and medical records.
2. Draft applicable forms to process a workers' compensation claim.
3. Recognize and determine the various compensations and compensation rates which are appropriate.

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**Course Outcome(s):**

Calculate possible damages based on presented facts, including the role of rehabilitation in the Ohio Workers' Compensation system.

**Essential Learning Outcome Mapping:**

Critical/Creative Thinking: Analyze, evaluate, and synthesize information in order to consider problems/ideas and transform them in innovative or imaginative ways.

**Objective(s):**

1. Recognize the impact of Social Security and unemployment on workers' compensation claims.

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**Course Outcome(s):**

Understand the role of paralegals/HR Personnel in the hearings conducted by the Ohio Industrial Commission, as well as the appellate procedures and the preparation of the required forms for an appeal, both injured party and employer.

**Essential Learning Outcome Mapping:**

Written Communication: Demonstrate effective written communication for an intended audience that follows genre/disciplinary conventions that reflect clarity, organization, and editing skills.

**Objective(s):**

1. Recognize and apply proper communication methods with the client.
2. Maintain effective tickler file system to monitor and/or reactivate claims.
3. Locate places for hearing and for appeals and places to secure various documents.
4. Assist counsel at administrative and judicial hearing.
5. Secure extensions or continuances on scheduled administrative and judicial hearings.

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**Methods of Evaluation:**

1. Class participation
2. Role playing
3. Quizzes
4. Projects
5. Research assignments
6. Homework assignments
7. Midterm examination
8. Final examination

**Course Content Outline:**

1. Theory and origin of Workers' Compensation law
  - a. History and development of the Workers' Compensation Act
  - b. Primary statutes affecting Workers' Compensation and their impact
2. Bureau of Worker's Compensation and Industrial Commission
  - a. Structure
  - b. Administration
3. Recent developments in Workers' Compensation
  - a. Workers' Compensation legislation
  - b. Effects on employers and employees
4. Workers' compensation effects on employers
  - a. Discrimination in Ohio: WC claims
  - b. Intentional torts
  - c. Violation of specific safety requirements
  - d. Non-complying employers
  - e. Third-party actions
5. Defenses to Workers' Compensation claims
  - a. Before Ohio's Workers' Compensation Act
  - b. After Ohio's Workers' Compensation Act
6. Workers' compensation forms
  - a. Apply for WC coverage
  - b. Classroom exercises completing WC forms
  - c. Statutes of limitations impacting WC claims
7. Workers' Compensation claim process
  - a. Administrative appeals
  - b. Judicial appeals
8. Paralegal's/HR Personnel's role
  - a. Analysis of court decisions impacting WC claims
  - b. Interviewing claimant/employer for information
  - c. Administrative and judicial hearings
9. Analysis of attorney
  - a. Representation
  - b. Fee agreements
10. Administration of Workers' Compensation Law
  - a. Injuries and illnesses covered
  - b. Disability compensations covered

- c. Medical benefits available
- d. Death awards

11. Occupational Safety and Health Administration (OSHA)
  - a. Record keeping requirements
  - b. Inspections
12. Review
  - a. Unemployment compensation on WC
  - b. Social Security on WC
13. Rehabilitation services through Bureau of Workers' Compensation
14. Ethical considerations
  - a. Fraudulent claims
  - b. Courtesy to claimant and employers
15. Identification of resources and facilities for information impacting Workers' Compensation claims
16. Miscellaneous considerations involving Workers' Compensation

## **Resources**

Baldwin's Ohio Handbook Series. *Ohio Worker's Compensation Law: Companion Laws and Rules Pamphlet*. 2013-2014 ed. Westlaw, 2013.

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Devenny and Morgan. *Workers' Compensation Practice for Paralegals*. Carolina Academy Press, 2008.

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Wasil and Mastrangelo. *Ohio Workers' Compensation Laws*. 2009-2010 ed. West, 2009.

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Neal R. Bevans. *Workers' Compensation Law*. First Edition. Cengage Learning, 2009.

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