



we know the territory.

### this issue

- P.1** DFSP Deadline 5/29
- P.2** OSHA Inspections
- P.3** UI Tax Increases
- P.4** Legal News

### Safety Services

Do you have required annual safety training needs?

If you are in the following BWC programs, you likely have required annual safety trainings:

- Group & Group Retro – 2 hour training
- Drug Free Safety Program – staff & supervisory requirement
- Grow Ohio – 2 hour training

Matrix can assist you in safety training and meeting your annual training requirements. We can also arrange appropriate training resources for your OSHA and job bidding requirements. Contact Sandie Anderson, Director of Risk, at 1.877.550.7973 or [sanderson@matrixtpa.com](mailto:sanderson@matrixtpa.com).

To view past eMatrix newsletters, visit our website archive by clicking [here](#).

644 Linn St., Suite 900  
Cincinnati, Ohio 45203

Phone: 513.351.1222  
Fax: 513.366.3362  
Toll-Free: 877.550.7973

[www.matrixtpa.com](http://www.matrixtpa.com)

## Matrix Hosts Webinar About BWC's Destination: Excellence

Let's get together to discuss Destination: Excellence. Join Matrix for a free informative webinar and learn more about the programs available from the Ohio Bureau of Workers' Compensation. Destination: Excellence is a bundle of programs that can help your organization improve workplace safety, enhance injured worker care and save money on workers' compensation costs.

The free webinar will take place Weds., May 20 at 2:30 p.m. (EST). The event will be led by Jessica Esterkamp, vice president of corporate development, and Katie Mahon, program manager.



Register now:

<http://tinyurl.com/destinationexcellence>

Contact Matrix at 513.351.1222 for more information.

## Deadline Approaching For Drug-Free Safety Program

Did you know you can save an additional 4-7% on your premiums? In an effort to reduce use and misuse of alcohol and other drugs in the workplace, the BWC is offering a premium rebate to eligible employers enrolled in the Drug Free Safety Program (DFSP.) A common misconception employers have on the DFSP is that it takes a lot of time and energy to enroll in the program. The BWC has cut the training time in HALF!

Another issue employers have is it's costly

to implement the Drug Free Safety Policy and have these trainings done; the bureau is issuing a grant which means the set-up is 100% reimbursable for the first two years! At this moment the grant money is relatively untapped. The time to enroll in the DFSP is now; you must submit your application by May 29 2015 for a July 1 start date. Please contact Michael Chouteau at 513.351.1222 to learn more information on the Safety Grant and if you qualify to save an extra 4-7%.

## Investigations News

### Matrix SIU - Nationwide Coverage!

Do you have a surveillance needs outside of the Tri-State area? Matrix Investigations provides ***national coverage*** through its Special Investigations Unit (SIU). Matrix's SIU partnerships bring its clients reduced liability and provide access to Matrix's extensive network of experienced investigators who are fully licensed, insured and trained on Matrix best practice protocols. Some of these benefits of Matrix SIU include:

- Nationwide coverage, single point of contact
- Online case management system Specialize in workers comp/FMLA surveillance
- Flat fee price structure
- Carrier audit compliance

Matrix protocols/best practices If you more information or would like to request surveillance, contact **Brian Sweeney**, President, Matrix Investigations & Consulting, Inc. 513.351.2222 or by email at [bsweeney@matrixinv.com](mailto:bsweeney@matrixinv.com).

To view past eMatrix newsletters, visit our website archive by clicking [here](#).

644 Linn St., Suite 900  
Cincinnati, Ohio 45203

Phone: 513.351.1222  
Fax: 513.366.3362  
Toll-Free: 877.550.7973

[www.matrixtpa.com](http://www.matrixtpa.com)

# we know the territory.

## Would You Be Prepared For An OSHA Inspection?

Has a client ever asked you what to do if an OSHA inspector shows up at its door? Every Employer has specific rights for what it can and can't do during an OSHA Inspection.

OSHA Inspectors, referred to as compliance safety and health officers, are highly experienced safety professionals and industrial hygienists. Their goals are to ensure compliance with OSHA requirements and help reduce hazards, prevent injuries, and prevent deaths in the workplace. Typically OSHA conducts an inspection without any notice. Employers have the right to require compliance officers to attain an inspection warrant before entering the workplace.

Since OSHA cannot inspect several million workplaces in the country each year, the agency seeks to focus its resources on the most hazardous workplaces in the following priority: imminent danger situations, fatalities and catastrophes, complaints, referrals, follow-ups, and planned or programmed investigations. When OSHA arrives, you should consider the following steps:

**Do not allow the inspector admittance until the necessary personal are on site.** Employers have the right to have an employee representative walk with the OSHA compliance officer. Employers can also have a safety consultant represent them during the inspection. The compliance officer will allow a reasonable amount of time for the consultant to arrive on site.

**Limit what you show the compliance officer.** Employers should escort the compliance officer directly to the areas

defined in the inspection. A facility tour should never be offered. OSHA compliance officers can cite any violations they see in plain view, regardless of the purpose of the inspection.



**Take photos and videos of what the compliance officer does.** Unless trade secrets are involved OSHA compliance officers are instructed to take photos and videos to document safety violations. Employers should take corresponding pictures of everything the compliance officer does. A wider angle should be used to get a clearer picture of the true hazards being cited.

Citations can follow an OSHA inspection within six months of the occurrence. Violations are categorized as other-than-serious, serious, willful, repeated, and failure to abate. Any proposed fines can range from \$7,000 for each serious violation to \$70,000 for each willful or repeated violation. Employers have several options available after receiving the notification of citation. An informal conference can be requested with the OSHA area director within 15 working days of citation receipt. A safety consultant can be used to represent the employer at these meetings. Advantages include possible penalty reductions, extension of abatement dates, deletion or reclassification of citations, and the opportunity to create an open dialogue with the area director.

eMatrix is a newsletter of The Matrix Companies. eMatrix is provided to clients and friends of Matrix for general information purposes only and should not be interpreted as legal advice. If you have questions about the content of this newsletter please consult with an attorney or other appropriate professional.

If you are not a current client of the matrix companies, click [here](#) for more info.

## Vocational News

### Transitional Work Program (TWP)

The BWC continues to offer TWP grants to assist employers in implementing a TWP plan that assists in getting injured workers back to work safely and quickly. The grants are a 3-to-1 matching grant- meaning they'll reimburse employers 75% of the costs to develop and implement the TWP. This is a significant grant that also carries additional upside: after the TWP is approved and implemented, eligible employers may apply for the BWC's TWP Bonus that offers the opportunity to earn up to a 10% premium discount.

Matrix has credentialed TWP Developers that can advise and assist with the TWP process. Please contact Matrix at 1.877.550.7973 if you'd like additional information about the TWP Grant and the TWP Bonus.

To view past eMatrix newsletters, visit our website archive by clicking [here](#).

644 Linn St., Suite 900  
Cincinnati, Ohio 45203

Phone: 513.351.1222  
Fax: 513.366.3362  
Toll-Free: 877.550.7973

[www.matrixtpa.com](http://www.matrixtpa.com)

# we know the territory.

## Unemployment News

### Latest Presidential Budget Calls For Historic Unemployment Tax Increases

Now is the time to have your company's unemployment claims administration and costs reviewed. The Strategic Services on Unemployment and Workers' Compensation has reported both federal and state unemployment costs are expected to increase substantially in the next two years and beyond. There are still numerous states that have no money in their state unemployment fund and still owe millions and even billions of dollars to the federal government.

The 2016 budget would increase unemployment taxes in the following manner:

- Increase the effective Federal Unemployment Tax Rate from 0.6% to 0.8% in calendar year 2016. States like Ohio could pay even more because of the unemployment federal loans they currently owe.
- Employers in the states with currently conforming state unemployment tax bases of as little as \$7,000 (which includes Ohio, Kentucky and Indiana) would be required to increase their state unemployment tax wage bases to \$40,000 forcing states to agree to the largest state unemployment tax increase in history.

What this means for your state unemployment tax cost is that instead of paying your tax rate for the first \$9,000 of payroll

(Ohio), you would now pay that tax rate for the first \$40,000 of payroll. The only thing you can control at this point is what your tax rate is and lowering that tax rate as much as you can as we move into 2016 and 2017.

The previous year's budget was asking for unemployment taxable wage base increases to only \$15,000



instead of \$40,000. The taxable wage base is expected to increase at some point and even if it does go to only \$15,000, you are still looking at a 70% increase in the taxes you will have to pay unless you are able to lower your unemployment tax rate.

Now is the time to make sure your company is doing everything they can to lower unemployment benefit charges which will help lower the amount of state unemployment tax your company pays. This is truly the only control you have to reduce or at least maintain your costs.

Matrix offers a complimentary unemployment claims and cost review for all ERA members. If you have any questions about how you can reduce your unemployment costs, contact Ken Kruse at 513.351.1222 or by email at [kkruise@matrixtpa.com](mailto:kkruise@matrixtpa.com).

eMatrix is a newsletter of The Matrix Companies. eMatrix is provided to clients and friends of Matrix for general information purposes only and should not be interpreted as legal advice. If you have questions about the content of this newsletter please consult with an attorney or other appropriate professional.

If you are not a current client of the matrix companies, click [here](#) for more info.



# we know the territory.

## BWC Program Deadlines For Private Employers

### Drug-Free Safety Program

May 29 application deadline for  
July 1 start date

### Transitional Work Bonus

May 29 application deadline for  
July 1 start date

### Safety Council

June 30 deadline for participation  
requirements

### Payroll

June 30 payroll reports due

### Safety Council

June 30 deadline for participation  
requirements

### Prospective Premiums

June 30 first prospective  
installment due, BWC pays as part  
of the transition credit (no money  
due from employer)

### Industry-Specific Safety

June 30 deadline for loss  
prevention activities.

To view past eMatrix  
newsletters, visit our website  
archive by clicking [here](#).

644 Linn St., Suite 900  
Cincinnati, Ohio 45203

Phone: 513.351.1222  
Fax: 513.366.3362  
Toll-Free: 877.550.7973

[www.matrixtpa.com](http://www.matrixtpa.com)

## Legal News

### Non-Medical Issues Before the Industrial Commission; Whose Analysis Means the Most?

Staff hearing officers are considered experts under the law when it pertains to non-medical issues before the Industrial Commission, and, as such, they are the "ultimate evaluator" on these non-medical issues. An Ohio appellate court recently addressed the role of the Staff Hearing Officer in the matter of *State ex rel. Young*. Young had been a nursing assistant with her employer and had numerous allowed conditions over the years. A medical review by a board certified expert in physical medicine and rehabilitation provided the basis that Young had permanent conditions, but that she would be able to work in a sedentary job.

Prior to the medical examination, the injured worker had a vocational assessment. The assessment said there were several barriers to Young's potential future employment; specifically, that she lacked a high school education or GED. Young filed an Application for PTD Compensation, where she provided her own responses as to difficulties she has with reading, writing and arithmetic, as well as no experience with any vocational school or special training.

The Commission had Young examined by a clinical psychologist, who rated Young as having 35% impairment arising from the allowed psychological condition of major

depressive disorder. The staff hearing officer went beyond that analysis and provided his own analysis. He agreed and understood that with her 8<sup>th</sup> grade education and without a GED certificate, there were negative vocational factors stacked up against Young. Regardless, the staff hearing officer included in his analysis the experience she did, in fact, have over 30 years of employment. Young was now 58 years old, but had experience as a nursing assistant, food service worker, and a packer. The hearing officer found that this showed her capability of "learning new procedures and new tasks in different work environments." Putting this analysis together, the staff hearing officer found that Young had the capability to pursue a GED and training to lead to re-employment and, as such, she was capable of performing sustained remunerative employment and, therefore, not permanently totally disabled.

The lesson to be learned is that despite reports and assessments, which are filed for consideration, there is already an expert in the room who has the discretion to do what he or she wants with these assessment reports and can perform his or her own analysis on the non-medical issues before the Commission.

*Submitted by Michael Mahoney, attorney,  
Freund Freeze & Arnold.*

eMatrix is a newsletter of The Matrix Companies. eMatrix is provided to clients and friends of Matrix for general information purposes only and should not be interpreted as legal advice. If you have questions about the content of this newsletter please consult with an attorney or other appropriate professional.

If you are not a current client of the matrix companies, click [here](#) for more info.

## Matrix Works Harder For You

When it comes to your workers' comp claims, you want to be sure your TPA is aggressively working on your behalf. Matrix files more handicaps per client than its competitors.

	# of Clients	Handi- caps Filed	Ratio
Matrix	1,700	197	.12
ECP	400	33	.08
Sheak- ley	15,500	985	.06
Comp Mgt	30,000	1,640	.05
Comp Source	250	10	.04
Hunter	1,000	37	.03
Care- works	37,000	965	.02
Frank Gates	18,000	377	.02

### Let's Get Social

TWITTER



@OhioWorkersComp

FACEBOOK



Facebook.com/MatrixTPA

Let Matrix guide you to the latest events, news and industry trends. Follow and like us to stay connected to all things related to Ohio workers' comp.

We welcome your questions, insights and feedback.

# we know the territory.

## Welcome to the Matrix team!

### Tanya Simpson, UI Administrative Specialist



Tanya is responsible for managing general administration and client communication in our unemployment insurance program.

### Amy Poe, Case Manager



Amy is working as a nurse case manager in the central Kentucky region. She comes to Matrix with 15 years of experience in the medical field.

### Heather Mack, Risk Management Associate



Heather serves as an inside sales associate on our business development team, specifically focus on enhancing our safety services. She lives in Landen.

### Pam Scalf, Case Manager



Pam has joined our Vocational Solutions team as a field case manager in the Cincinnati region. She brings nearly 10 years of experience to the Matrix team.

### Kym Fuller, SI Sr. Account Executive



Kym manages claims for some of our self-insured clients. She joins Matrix with 12 years of workers' comp experience. Kym works in our Dublin office.

### Kelsey Henschen, Claims Assistant



Kelsey initially joined Matrix as an intake specialist and was quickly promoted to claims assistant. She has previous administrative experience. She lives in St. Bernard with her two children..

### Jamie Cornish, Vocational Assistant



Jamie provides support for the vocational team assisting our case managers. She has extensive customer service and administrative skills.

### Andrea Watson, Senior Account Executive



Andrea has almost 10 years of experience in managing workers' comp claims for state fund employers. She works in our Dublin office.

### John Page, Hearing Defense Coordinator



John has 20+ years of experience in the insurance and workers' comp business. He has a strong SI multistate background and has always played a role with the litigation of claims.

### Amanda McBee, Intake Specialist



Amanda brings more than seven years of experience working in a customer service environment. She lives in Fairfield with her boyfriend and her newborn son.

### Dan Perlstein, Safety Coordinator



Dan supports to our safety team by scheduling training, managing client communications, and providing administrative assistance. He has a degree in economics and lives in Dayton, Ky.

### Marissa Pomerantz, Marketing Assistant



Marissa enhances Matrix's marketing & communications efforts. She is a student at University of Cincinnati pursuing a degree in marketing.

### Diana Powers, Job Developer

Diana has an extensive background in helping injured workers find new employment opportunities. She serves the northern Ohio region.

*eMatrix is a newsletter of The Matrix Companies. eMatrix is provided to clients and friends of Matrix for general information purposes only and should not be interpreted as legal advice. If you have questions about the content of this newsletter please consult with an attorney or other appropriate professional.*

If you are not a current client of the matrix companies, click [here](#) for more info.