

Mike DeWine, Governor
Jon Husted, *Lt. Governor*
Jim Hughes, *Chairman*
Cheri L. Hottinger, *Member*
Daniel J. Massey, *Member*
Tim Adams, *Executive Director*

Ohio Sunset Review Committee
Industrial Commission Nominating Council
June 25, 2024
Chairman Jim Hughes

Chair Wilkin, Vice Chair Hillyer, and members of the Sunset Review Committee, my name is Jim Hughes, and I am the Chairman and Chief Executive Officer of the Ohio Industrial Commission (OIC). Thank you for the opportunity to appear before you today on behalf of the OIC Nominating Council.

As you know, the OIC is responsible for providing a forum for fair and impartial resolutions of disputed workers' compensation claims. The OIC adjudicates claims including but not limited to: allowances; temporary total disability compensation; treatment; permanent partial disability; applications for additional awards for violations of specific safety requirements; and determination of eligibility for permanent total disability benefits. The OIC adjudicates claims across three (3) hearing levels and conducts approximately 90,000 hearings annually. We serve the injured workers and employers of Ohio across a footprint of twelve (12) local offices and through an internet portal with a clear mission of customer service. For your convenience, I've attached a Fact Sheet regarding the OIC's Hearing Process and a statewide map to show the OIC offices throughout the state.

The Commission is led by a panel of three Governor-appointed commissioners, confirmed by the Ohio Senate, each serving a six-year term. Each commissioner must have at least six years of experience in workers' compensation matters and at least one member must be licensed to practice law in Ohio. One member represents employees, one represents employers, and one represents the public. The biographies of myself and my fellow commissioners are also attached to the end of my testimony.

As a non-GRF agency, the OIC is funded solely by an Administrative Cost Fund surcharge applied to the workers' compensation insurance base coverage rate. Prudent fiscal management has enabled the OIC to maintain a stable environment for Administrative Cost rates, as Ohio Bureau of Workers' Compensation (BWC) base rates have been reduced significantly over the decade. We intend to maintain an optimal rate structure to continue to fund operations and benefit employers.

I am here this afternoon to speak on behalf of the Industrial Commission Nominating Council

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and to highlight the important role it has within the worker’s compensation system. The Industrial Commission Nominating Council was created pursuant to Ohio Revised Code 4121.04 and is charged with two objectives:

1. To review candidates for vacancies on the three-member Ohio Industrial Commission and submit a list of three qualified candidates to the Governor, for selection, pursuant to Ohio Revised Code 4121.02(D). This task is conducted every two years;
2. To appoint a Chief Ombuds Officer for a six-year term and to meet annually to review the activities of the Ombuds Office pursuant to Ohio Revised Code 4121.45(A).

The Workers’ Compensation Ombuds Office works to resolve complaints and other issues that may arise throughout the workers’ compensation process. I would also like to mention that the office produces an annual report that details the number, type and outcomes of the complaints handled by their office. The report lists its recommendations, which, if implemented, could reduce future complaints and improve quality of service for employers, injured workers and their representatives.

Pursuant to Ohio Revised Code 4121.04 (A), the Industrial Commission Nominating Council shall consist of five employer representatives, four labor representatives, one representative from the Ohio Association for Justice, and two members of the public, each of a different political party, who are appointed by the Governor. Pursuant to Ohio Revised Code 4121.04 (B), the Governor shall appoint at least one member from each of the Ohio industry organizations, which includes: the Ohio Self-Insurers' Association; the Ohio Manufacturers' Association; the Ohio Council of Retail Merchants; the Ohio Chamber of Commerce; and the National Federation of Independent Business (4121.04 (F)). Terms of office of employer and employee representatives, as well as the representative from the Ohio Association for Justice, are for four years, while the public members shall serve for a term of two years.

Pursuant to Ohio Revised Code 4121.04(D), members of the Nominating Council shall be paid fifty dollars per day and shall be reimbursed for their actual and necessary expenses while engaged in the performance of their duties as members of the Nominating Council. These costs shall be paid by the Industrial Commission from funds which it uses to pay its operating expenses. Below is a table outlining annual spending from FY 2019 to FY 2023:

Fiscal Year	Spending
FY 2019	\$494.19
FY 2020	\$0 (COVID-19)

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FY 2021	\$510.16
FY 2022	\$546.01
FY 2023	\$528.29

these numbers for the Industrial Commission Nominating Council include payroll and travel

As shown, the Industrial Commission Nominating Council has a very small financial footprint, averaging less than \$1,000.00 per fiscal year. Additionally, the Nominating Council does not have any solely dedicated staff to complete their statutorily required duties. Rather, any limited administrative functions to support the Industrial Commission Nominating Council are provided by Workers’ Compensation Ombuds personnel. These functions are normally limited to just a few hours per year. This operating model is expected to remain consistent for the foreseeable future.

In summary, the Industrial Commission Nominating Council accomplishes its two key statutorily mandated functions effectively with no exclusively paid, full-time staff and for less than \$1,000.00 total cost per year. To maintain operational efficiency, it is my recommendation that the Industrial Commission Nominating Council continue in its current form and operational structure. Chair Wilkin, Vice Chair Hillyer, and members of the Ohio Sunset Review Committee, thank you for the opportunity to appear before you today. I am happy to answer any questions that the committee may have.



**Jim Hughes, Chairman
Employee Member
Dates of Service: July 2019 – June 2025**

Jim Hughes has spent his career demonstrating his passion for public service.

He was appointed by Governor Mike DeWine to be the Chairman and employee member of the Ohio Industrial Commission for a term that began on July 1, 2019.

Jim brings decades of legal knowledge and public policy experience to his role as Chairman. He began his career as a bailiff and court constable in the Franklin County Court of Common Pleas. He later served as assistant prosecutor in the City of Columbus Prosecutor's Office and then as assistant prosecutor for Franklin County. He also worked previously as an attorney and partner at the Isaac Wiles law firm in Columbus.

In 2000, he was appointed to the Ohio House of Representatives and was later elected to the Ohio House of Representatives in 2000, 2002, 2004, 2006, and 2016; and the Ohio Senate in 2008 and 2012. During his 18 years in the Ohio General Assembly, Jim supported legislation that toughened criminal penalties, protected children, reformed taxes, streamlined regulations, and incentivized businesses to settle in Ohio. He also served on many legislative committees including Civil Justice, Insurance and Financial Institutions, Energy and Public Utilities, Transportation and Public Safety, and Criminal Justice.

Jim has received numerous accolades from several groups over the course of his career. He has been named Legislator of the Year by the FOP Capital City Lodge No. 9, the Ohio Fire Chief's Association, the Ohio Nurses Association, the Ohio Association of Professional Firefighters and the AMVETS Department of Ohio. In addition, he has received the Ohio Association for Justice Workers Compensation Outstanding Service Award, and the Watchdog of the Treasury Award, among others.

Jim earned his Juris Doctorate at Capital University Law School after completing his bachelor's degree in business administration at The Ohio State University. He and his wife Susan live in Upper Arlington, and have a daughter, Kaela.



Cheri L. Hottinger

Public Member

Dates of Service: July 2023 – June 2029

Cheri Hottinger has dedicated most of her career to helping a wide variety of constituencies, with a particular focus on public service.

Throughout her career, Cheri has accumulated vast business knowledge, beginning in 1995 when she led the operations of the Jay Company, Inc., an industrial electrical contractor, in partnership with the IBEW, Local 1105. In addition to her administrative duties, she worked closely with labor representatives, while serving on the Health & Welfare Board of Local 1105. Cheri was also involved with matters that included evaluating internal workers' compensation claims, oversight of premiums, safety compliance and risk assessment.

Cheri later entered public service when she was elected Councilwoman-At-Large for the City of Newark, Ohio, a position she held from 2000-2003 and, again, from 2021-2023.

In the summer of 2004, Cheri expanded her civic engagement, when she was named President & CEO of the Newark Area Chamber of Commerce – a position she held for the next 12 years. Cheri's role included facilitating safety councils, training seminars and program development. To help improve the workers' compensation system for both employers and employees, Cheri was instrumental in bringing the BWC Group Rating Program to the Chamber and its 900+ members. While Cheri was President, the Chamber grew into the Licking County Chamber of Commerce, and was listed as the largest Chamber in Central Ohio. During Cheri's tenure, the Chamber was honored with numerous BWC Safety Council of the Year awards, including first, second, and third place designations. Additionally, Cheri was named Chamber Executive of the Year by the Chamber of Commerce Executives of Ohio.

Cheri was also a co-founder of Grow Licking County Community Improvement Corporation and Newark Development Partners Community Improvement Corporation. Cheri served as a board member and treasurer for Grow Licking County CIC, and focused on the economic development and growth of the county. A significant portion of her efforts involved attracting new businesses to Licking County, while working to retain and expand operations of existing employers. Cheri pursued similar economic development efforts with Newark Development Partners CIC, with a particular focus on the City of Newark. One of the most important projects during Cheri's tenure was the renovation of downtown Newark, a public-private partnership that has revitalized the local economy.

In 2016, Cheri made a career change by joining Park National Bank as a Vice President and Business Development Officer for the Commercial Loan Department. She continued to serve the Licking County community in this new role.

Currently, in addition to her duties at the Industrial Commission, Cheri serves as the Chairperson of the Self-Insuring Employers Evaluation Board.

Cheri and her husband, Jay, live in Newark and have three daughters and a granddaughter. Cheri is an avid Buckeyes fan and can frequently be found at the stadium on game days.



Daniel J. Massey
Employer Member
Dates of Service: July 2021 – June 2027

Dan brings decades of experience both within and outside state government.

He began his career as an Ohio assistant attorney general where his practice was both in litigation and agency representation. During his tenure, Dan's clients included the Ohio Department of Transportation, the Ohio Department of Commerce, and the Ohio Department of Insurance. He also represented various boards and commissions, including the Ohio State Dental Board and the Ohio State Racing Commission.

While working in state government, he also headed the legislative program within the Ohio Attorney General and was involved in the enactment of the Ohio Consumer Sales Practice Act and the lobbying disclosure law.

After leaving government service, he practiced law in Columbus. He maintained both a legislative and corporate practice and was instrumental in the passage of the alternate retirement system legislation, which allows certain public employees to join a private, defined contribution plan. He also served as a hearing officer for the Ohio State Racing Commission.

Prior to his appointment at the Ohio Industrial Commission, Dan worked at the law firm of Murray, Murphy, Moul and Basil in Columbus.

He has both a bachelor's degree and law degree from Capital University. He and his wife, Marilyn, live in Columbus. They have two children and four grandchildren.



Where the Process Begins

The Ohio Bureau of Workers' Compensation (BWC) administers the collection of premiums from employers and the payment of compensation and medical benefits to injured workers who have been determined to have compensable claims. Some large employers may qualify with the state to be self-insured for workers' compensation and administer their own programs. Self-insured employers bypass the BWC but are still obligated to the Industrial Commission (IC) hearing process.

About the Commission

The State of Ohio charges the IC with the responsibility of resolving disputes over the payment of compensation and medical benefits in claims filed for work-related injuries and occupational diseases. The IC conducts hearings at its offices throughout Ohio for the convenience of injured workers and employers and makes decisions in all contested workers' compensation claims.

Hearings Before the Commission

Hearings before the IC are informal in nature and legal representation is not required. However, parties may choose to be represented by an attorney or other authorized person.

The Commission encourages the free exchange of information prior to the hearing, in accordance with Rule 4121-3-09(A)(1)(a) which states, "The parties or their representatives shall provide to each other, as soon as available and prior to hearing, a copy of the evidence which the parties intend to submit at a Commission proceeding."

The Appeals Process

There are three levels at which a contested claim may be heard within the Industrial Commission.

District Level - If a workers' compensation claim is contested, it is set for a hearing before a district hearing officer (DHO). A hearing will be held at the Commission office nearest the injured worker's residence. If either party is dissatisfied with the decision of the DHO, an appeal must be made in writing or online and filed within 14 days of receipt of that decision.

Staff Level - Appeals from the DHO's decision will result in a second hearing before a staff hearing officer (SHO). The law guarantees injured workers and employers the right to appeal a DHO's decision to the SHO level.

Commission Level - If an injured worker or employer is dissatisfied with the decision of an SHO, they may file an appeal to the Commission level. The appeal must be made in writing or online and filed within 14 days of receipt of the decision. The three Commissioners may either refuse to hear the appeal or accept it for a hearing.

Beyond the Commission - If the injured worker or employer is not satisfied with the decision of the IC Commissioners (or if Commissioners refuse to hear the appeal), they may file a challenge to the IC decision in the appropriate state court.

NOTE: Injured workers, employers, and their authorized representatives may review their active claims information through the Industrial Commission website at www.ic.ohio.gov. Once on the home page of the website, please click ICON and follow the instructions for obtaining a password. Once you have obtained a password, you should be able to access your active claim(s). If you have difficulty obtaining a password, please contact the Industrial Commission's IT Helpdesk at (614) 644-6595 or (877) 218-4810, between 8 a.m. and 5 p.m. weekdays.

If you have a disability that requires special accommodations at a hearing, please contact the IC in advance of your hearing. Interpreter services for language or deaf and hard of hearing are available through Customer Service.

Questions About the Hearing Process

Does every claim require a hearing?

No. Hearings are held only if there is a dispute between the injured worker, employer, or BWC.

When will parties be notified of a hearing?

Notification will be mailed at least 14 days prior to a hearing. The notice will state the time, date, and location of the hearing and the issue(s) in dispute.

Should the injured worker and employer attend a hearing?

Attendance is not mandatory, but it is recommended that all parties be present to give their side of the disputed issue(s).

How should the parties prepare for a hearing?

Gather and prepare any documents pertinent to the issue set for hearing like current medical reports, written witness statements, etc. These documents should be submitted prior to or at the

hearing. You should also keep a copy of any paperwork filed with the IC or BWC for your records. After the hearing, an order announcing the decision will be mailed to all parties.

Is legal representation required?

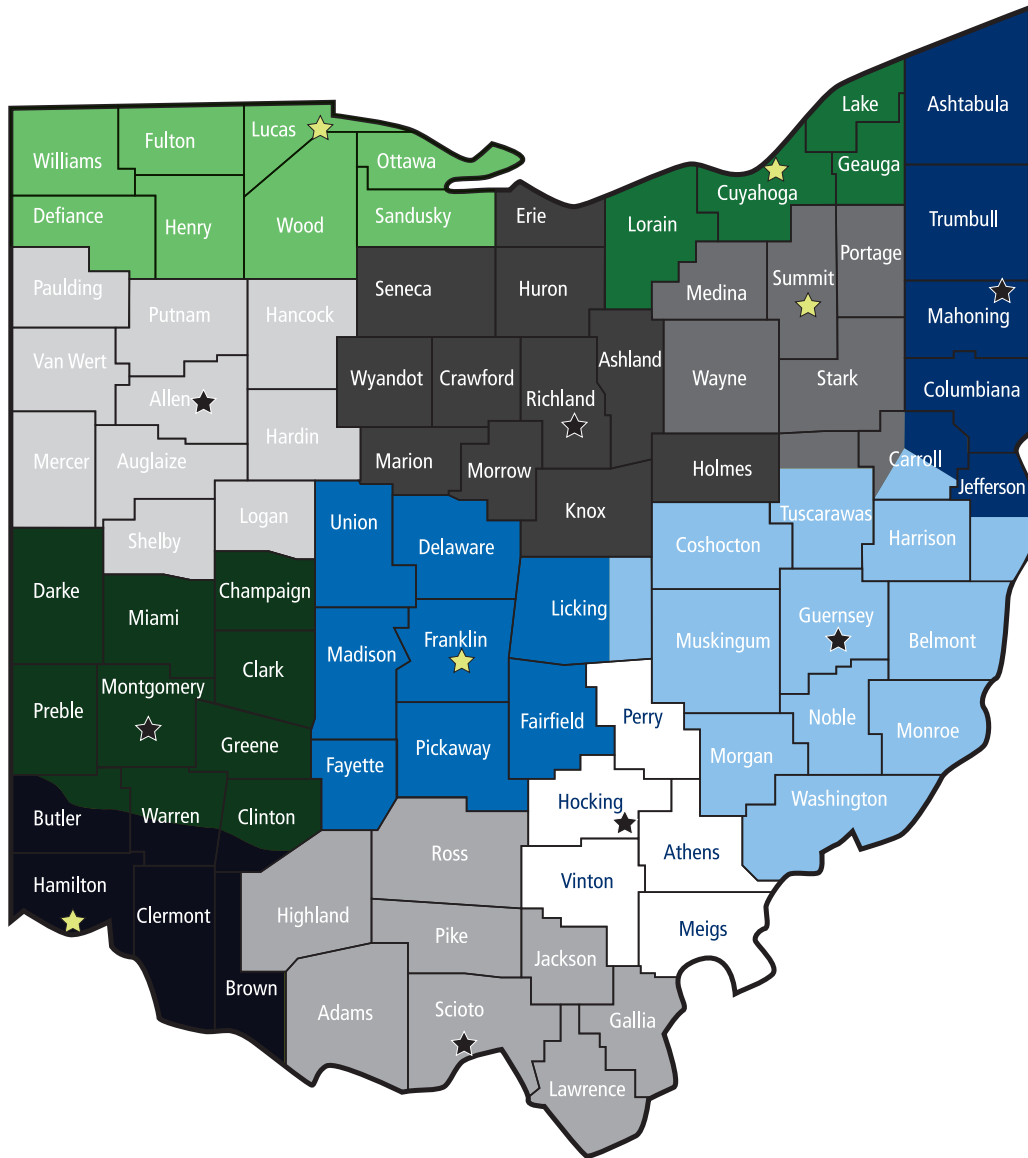
Hearings before the IC are informal in nature and legal representation is not required. However, parties may choose to be represented by an attorney or other authorized person.

How is an appeal filed?

An employer or injured worker may file an appeal from an order of the BWC, or a district or staff hearing officer of the IC. Form IC-12, located at local offices or on the IC's website, should be used for this purpose.

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