



Ohio Administrative Code
Rule 4123-17-56 Safety grant programs.
Effective: March 18, 2020

(A) Pursuant to section 4121.37 of the Revised Code, the administrator may establish a program of safety grants for safety interventions and research for eligible employers who participate in the safety grant program under this rule. The safety grant program may include grants to an employer to provide funds for safety interventions including education, training, research, or purchase of equipment to prevent occupational injuries, illnesses, or fatalities.

(1) The purpose of the safety intervention grant program is for the bureau's division of safety and hygiene to research and investigate the effectiveness of safety interventions in preventing occupational injuries, illnesses and fatalities and to establish safety best practices. For this purpose, the bureau may make safety grants to employers as provided in this rule.

(2) If the bureau's division of safety and hygiene has determined that it no longer needs or desires to research or investigate the effectiveness of a particular safety education, training, research, or purchase of equipment, the division of safety and hygiene may suspend or discontinue funding safety grants for that purpose. The division of safety and hygiene may establish a moratorium list to notify employers of specific safety education, training, research, or purchase of equipment that the bureau no longer will fund.

(B) The bureau may limit participation in the safety grant program based upon:

(1) The availability of bureau resources for the program;

(2) The merits of the employer's proposal;

(3) The type of employer's policy;

(4) The manual numbers reported under the employer's policy;



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- (5) The employer's policy history; or
- (6) The safety grant program research objectives.

(C) The bureau shall determine whether the employer's policy is eligible for the safety grant program under this rule. The employer must satisfy the following criteria:

- (1) The safety grant program is available only to a private state fund employer, a public employer taxing district, a marine industry fund employer, or a coal-workers' pneumoconiosis fund employer;
- (2) The employer shall have active state fund-coverage to participate in the safety grant program;
- (3) The employer shall have active coverage for two years prior before applying for a safety grant and shall maintain active coverage for the two years after implementation of the safety intervention under the safety grant approved by the bureau;
- (4) The employer shall be current with respect to all payroll reporting and payments due to any fund administered by the bureau;
- (5) The employer shall not have more than forty days of cumulative lapses in workers compensation coverage within the prior twelve months.

(D) The bureau will assess whether the employer's proposal is eligible to participate in the safety grant program under this rule.

- (1) The employer's proposal shall advance research and prevention of workplace injuries, illnesses, or fatalities. The employer shall demonstrate a need for the safety intervention in the application they submit to the bureau, but this requirement may be waived by the bureau;
- (2) The owner, chief executive officer, chief financial officer or persons having fiduciary responsibilities with the employer may be required to meet with a bureau safety and hygiene consultant to review the safety grant program application.



(3) The bureau shall review and evaluate the safety grant application. The bureau shall assess and evaluate the employer's safety and loss prevention and control programs. If the bureau accepts the employer into the safety grant program, the employer shall submit reports and case studies to the bureau as required by the bureau for a period of two years following the purchase and implementation of the safety intervention.

(4) The bureau and employer shall enter into a written agreement detailing the rights, obligations, and expectations of the parties for performance of the safety grant program.

(5) The employer may not apply for a safety grant for previously purchased safety interventions.

(6) The employer shall provide to the bureau a list of claims that have been filed against the employer's policy in the last two years.

(7) The employer shall agree to not eliminate jobs or reduce employment due to the safety intervention funded by the safety grant program. An employer shall be immediately disqualified from participation in the safety grant program if the bureau determines the employer eliminated jobs or reduced employment due to the implementation of the safety intervention funded by the safety grant program.

(8) The bureau shall establish policies and processes for the inclusion and elimination of safety interventions on the moratorium list. The bureau shall not accept an employer's proposal if the employer's proposal violates bureau policies and processes concerning the moratorium list.

(E) The bureau may meet with the owner, chief executive officer, chief financial officer, or persons having fiduciary responsibilities with the employer to evaluate the employer's progress in the safety grant program. The employer shall provide the bureau access to records or personnel to conduct research into the effectiveness of the safety grant program.

(F) An employer who complies with the requirements of the safety grant program under this rule shall be eligible to receive a grant from the bureau as provided in the written agreement.

(1) The bureau may establish by written agreement with the employer the maximum amount of the



safety grant program grant.

- (2) The bureau may establish by written agreement with the employer a requirement for matching funds from the employer in a ratio to be determined by the bureau.
- (3) The bureau shall monitor the employer's use of the safety grant program funds. The bureau may recover the entire grant if the bureau determines that the employer has not used the grant for the purposes of the safety grant program or has otherwise violated the written agreement of the safety grant program.

(G) Reconsideration of determination of ineligibility to participate in, or disqualification from, the safety grant program.

(1) An employer may request reconsideration of a decision finding the employer did not meet the requirements provided in paragraph (C) of this rule or disqualifying the employer from continued participation in the safety grant program. The request must be in writing and filed with the superintendent of the division of safety and hygiene within thirty days of the notification of the decision.

(2) The employer may submit a request for reconsideration of the superintendent's decision to the adjudicating committee.

(3) The adjudicating committee shall consider the request and make a recommendation on the employer's eligibility to the administrator.

(4) The decision of the administrator shall be final.

(H) Upon the approval, purchase, and implementation of the safety intervention, the employer shall provide to the bureau sufficient documentation on the use of the funds, including proof of payment, proof of the employer's and bureau's contribution, and proof that the funds were fully applied to the approved safety intervention.

(1) If the approved safety intervention is not training, the employer shall purchase and implement all



approved safety interventions within three months from the date that the bureau disburses safety grant funds to the employer.

(2) If the approved safety intervention is training, the employer shall purchase and conduct the approved training within six months from the date that the bureau disburses the safety grant funds.

(3) The purchase of the safety intervention can take place only upon approval of the safety grant funds.

(4) The implementation of the safety intervention can take place only upon approval of the safety grant funds.

(5) The employer shall provide purchase documentation to the bureau within thirty days of the period applicable to the safety intervention as defined in paragraph (H)(1) or (H)(2) of this rule.

(6) The bureau may extend the periods defined in paragraph (H)(1) or (H)(2) of this rule by up to ninety days in special circumstances where the employer is faced with a challenge beyond their control in purchasing or implementing the approved safety intervention. The employer must request additional time in writing that explains the special circumstances, with any supporting documentation, and specifying the additional time needed. The bureau may grant additional extensions by up to ninety days for each extension, under the same requirements and guidelines for the initial extension, but the cumulative period of all extensions shall not exceed one year.

(I) The bureau shall evaluate the research data from the safety grant program on a periodic basis. The bureau may publish reports of the research to assist employers in preventing workplace injuries and illnesses.

(J) Marine industry fund and coal-workers' pneumoconiosis fund safety grants.

(1) A marine industry fund employer or a coal-workers' pneumoconiosis fund employer applying for a safety grant is subject to paragraphs (A) to (I) of this rule.

(2) The bureau safety and hygiene division shall determine whether the marine industry fund



employer or the coal-workers' pneumoconiosis fund employer is eligible for the safety grant program under this rule. The safety grant program in this rule is available only to a marine industry fund or a coal-workers' pneumoconiosis fund employer that satisfies the following additional criteria:

- (a) A marine industry fund employer shall have and shall maintain active state fund coverage under rule 4123-17-19 of the Administrative Code
- (b) A coal-workers' pneumoconiosis fund employer shall have and shall maintain active state fund coverage under rule 4123-17-20 of the Administrative Code.
- (c) A coal-workers' pneumoconiosis fund employer may only use the safety grant to purchase equipment to prevent coal workers' pneumoconiosis.

(3) Additional employer responsibilities include:

- (a) A marine industry fund employer or a coal-workers' pneumoconiosis fund employer shall contact the local bureau customer service office to schedule a visit by a bureau safety consultant.
- (b) A coal-workers' pneumoconiosis fund employer shall also schedule a visit by a mine safety inspector from the Ohio department of natural resources.