



Ohio Administrative Code Rule 4123-17-56 Safety grant programs.

Effective: December 9, 2023

(A) Pursuant to section 4121.37 of the Revised Code, the administrator of workers' compensation may establish a program of safety grants for safety interventions or research for eligible employers. The safety grant program may provide grant funds to an eligible employer 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 division of safety and hygiene of the bureau of workers' compensation to fund employer interventions that reduce the risk of injuries, illnesses, and fatalities in the workplace, investigate the effectiveness of safety interventions in preventing occupational injuries, illnesses, and fatalities and establish safety and health best practices. For this purpose, the bureau may make safety grants to employers as provided in this rule.

(2) If the division of safety and hygiene concludes there are interventions outside the scope of the program, the division of safety and hygiene may establish an unapproved items list to notify employers of specific safety education, training, research, or purchase of equipment that the bureau shall not 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;
- (5) The employer's policy history; or



(6) The safety grant program objectives and unapproved items list under paragraph (A) of this rule.

(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 one year prior before applying for a safety grant and shall maintain active coverage for the one year 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 required 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 proposed safety intervention is eligible to participate in the safety grant program under this rule.

(1) The employer's proposed safety intervention shall explain how one of the following objectives is attained through receipt of safety grant funds:

(a) Reduction of risk of workplace injuries, illnesses, or fatalities; or

(b) Advancement of research into the prevention of workplace injuries, illnesses, or fatalities.

(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 consultant to review the



safety grant program application.

(3) The bureau shall review and evaluate the safety grant application. The bureau may also 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 one year 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 reimbursement of previously purchased safety interventions.

(6) The employer shall agree to not eliminate jobs or reduce employment due to the intervention funded by the safety grant program. If the bureau determines an employer has violated this provision, the employer shall be immediately disqualified from participation in the safety grant program, and the employer shall return all disbursed safety grant funds to the bureau for the intervention that eliminated jobs or reduced employment.

(7) The bureau shall establish policies and processes for adding or removing safety interventions on the unapproved items list. The bureau shall not accept an employer's proposed intervention if the employer's proposed intervention contains any item on the unapproved items 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 funds.

(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 in accordance with the provisions contained in rule 4123-14-06 of the Administrative Code.

(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) The employer shall purchase, implement, and provide purchase documentation for all approved safety interventions within the time period determined by the superintendent from the date that the bureau disburses safety grant funds to the employer.

(2) The purchase and implementation of the safety intervention can take place only after the approval



of the safety grant funds.

(3) The bureau may extend the period defined in paragraph (H)(1) of this rule by up to ninety days in special circumstances where the employer, for reasons beyond their control, experiences delay 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 of up to ninety days, pursuant to 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 effectiveness of the safety grant program on a periodic basis. The bureau may publish reports of the safety grant program's effectiveness and research findings 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's division of safety and hygiene 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.