

As Introduced

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H. B. No. 538

Representatives Landis, DeVitis

Cosponsors: Representatives Sprague, Derickson, Baker, Duffey, Garland

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A B I L L

To enact section 4123.391 of the Revised Code to 1
prescribe the circumstances in which an individual 2
who is injured or contracts an occupational 3
disease in the course of and arising out of 4
participation in a learn to earn program receives 5
compensation under the Workers' Compensation Law 6
or under Unemployment Compensation Law. 7

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 4123.391 of the Revised Code be 8
enacted to read as follows: 9

Sec. 4123.391. (A) For purposes of this section, "learn to 10
earn program" means any program established by the department of 11
job and family services that is designed to increase an 12
individual's opportunity to move to permanent employment through a 13
short-term work experience placement with an eligible employer. 14

(B) A participant in a learn to earn program is entitled to 15
compensation and benefits under this chapter as provided in this 16
section. 17

(C)(1) A learn to earn program participant who suffers an 18
injury or contracts an occupational disease that produces a 19

disability arising out of and in the course of participation in 20
the learn to earn program, and who remains otherwise eligible for 21
unemployment compensation benefits pursuant to Chapter 4141. of 22
the Revised Code, shall receive unemployment compensation benefits 23
while otherwise eligible for those benefits. 24

(2) If a disability arising out of and in the course of 25
participation in a learn to earn program causes a participant to 26
become ineligible for unemployment compensation benefits or unable 27
to work after the expiration of the participant's eligibility for 28
unemployment compensation benefits, the participant shall receive 29
compensation and benefits under this chapter. 30

(D) For purposes of this section, a participant in a learn to 31
earn program is an employee of the department, and not an employee 32
of the entity conducting the training. 33

(E)(1) A learn to earn participant is considered to have 34
accepted the terms and conditions of this chapter and to have 35
waived on behalf of the participant or the participant's personal 36
or legal representatives all rights of action on account of the 37
participant's injury or occupational disease arising out of and in 38
the course of participation in the program whether at common law, 39
by statute, or under the laws of any other state against the 40
entity conducting the training, the department, or any learn to 41
earn program established by the department. 42

(2) The dependents of a participant shall have no direct 43
cause of action to recover for damages on account of the 44
participant's personal injury or death against any person 45
identified in division (E)(1) of this section, whether at common 46
law, by statute, or under the laws of any other state. 47

(3) Notwithstanding division (E)(1) of this section, a 48
participant does not waive on behalf of the participant or the 49
participant's personal or legal representatives, any cause of 50

action for intentional torts against any officer, director, agent, 51
or employee acting on behalf of the entities listed in division 52
(E)(1) of this section. 53

(F) Notwithstanding sections 4123.39 and 4123.40 of the 54
Revised Code, the department may insure the compensation and 55
benefits provided under this chapter pursuant to this section. The 56
department may include a learn to earn participant in its 57
department workers' compensation coverage, or may establish a 58
separate workers' compensation coverage policy with the bureau of 59
workers' compensation upon the terms and conditions for insurance 60
to be established by the bureau consistent with insurance 61
principles, as is equitable in the view of degree and hazard. 62

(G) Notwithstanding section 4123.82 of the Revised Code, the 63
department may enter into a contract to indemnify the department 64
against all or part of the department's loss as a result of 65
liability of the department that is attributable to any claims for 66
compensation or benefits under this chapter arising from 67
participation in any learn to earn program. 68