



Washington State Department of  
**Labor & Industries**  
*Workers' Compensation Services*

# Assessing Your Ability To Work: Your Rights and Responsibilities

*Vocational Rehabilitation Services*



*Other formats for persons with disabilities are available on request.*

*Call 1-800-547-8367. TDD users, call 360-902-4685.*

*L&I is an equal opportunity employer.*

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# Contents

<b>You have been referred for an assessment of your ability to work.....</b>	<b>1</b>
<b>What happens during an assessment? .....</b>	<b>1</b>
<b>What will the report include?.....</b>	<b>1</b>
<b>Your rights during assessment.....</b>	<b>2</b>
<b>What if you are able to return to work during assessment?.....</b>	<b>2</b>
<b>What happens if you stop participating? .....</b>	<b>2</b>
<b>What L&amp;I expects from you.....</b>	<b>2</b>
<b>What you can expect from your vocational counselor.....</b>	<b>2</b>
<b>Other possible services .....</b>	<b>Back Cover</b>
<b>What you can expect from L&amp;I or your self-insured employer.....</b>	<b>Back Cover</b>
<b>Need more information or help?.....</b>	<b>Back Cover</b>
If your employer is insured by L&I	
If your employer is self-insured	

## *Your Rights & Responsibilities During Assessment*

### **You have been referred for an assessment of your ability to work.**

You have been referred for an assessment, or evaluation, of your ability to work. The assessment will also determine if you need and would benefit from training to help you return to the workforce. This is an important step in assisting you in returning to work as quickly as possible.

### **What happens during an assessment?**

The Department of Labor and Industries (L&I) has asked a private vocational counselor to work with you to gather information related to your employment and skills.

The vocational counselor will let the department know what is needed, if anything, for you to return to the workforce.

Gathering this information and completing the report can take some time. Based on the report, L&I will decide whether other services are needed which may include how to help you return to work following your injury or occupational illness.

### **What will the report include?**

The counselor's final report to L&I will include:

- a. Your age, education, and work experience
- b. Your transferable skills
- c. Preexisting physical and mental conditions and the effect of those conditions on your employability
- d. Physical and mental conditions caused by your injury or occupational disease and the effect on your employability
- e. Your wage at the time of injury
- f. Your work pattern
- g. Significant barriers to your employment
- h. Surveys of potential jobs (referred to as "labor market surveys")
- i. Complete work history, explaining any gaps in employment and any licenses or training that you may have had in addition to your formal education

## **Your rights during assessment**

During this phase of vocational rehabilitation services, you have a right to:

- Time-loss benefits, as long as you actively participate in these services.
- Copies of your vocational reports on request.
- Dispute rights to any decision or determination that L&I makes.

## **What if you are able to return to work during the assessment?**

If you return to work, or the counselor has documentation that you are medically released without restrictions to work, the counselor must:

- Immediately inform L&I.
- Send any documentation to L&I within two working days.
- Submit a closing report to L&I.

## **What happens if you stop participating?**

If you stop participating in your vocational assessment, L&I may stop paying your medical and time-loss benefits.

## **What L&I expects from you**

It is your responsibility to work closely with the vocational counselor to gather information. You are also responsible for attending all appointments and participating in any vocational evaluations.

## **What you can expect from your vocational counselor**

While preparing your assessment, your vocational counselor may:

- Ask your medical provider for information about your physical capacities and restrictions.
- Ask your medical provider for their approval for you to participate in developing a vocational rehabilitation plan.
- Evaluate your ability to work at the job you had at the time of your injury or occupational illness, or at any other job.

## Your Rights & Responsibilities During Assessment

### Other possible services

Your counselor may also:

- Have you complete tests on your ability to benefit from vocational rehabilitation services, after approval by L&I.
- Evaluate your need for “preferred worker” status and educate you about the preferred worker benefit, if appropriate.

### What you can expect from L&I or your self-insured employer

- Continue to monitor your time-loss and medical benefits.
- Review monthly progress reports received from your counselor.

### Need more information or help?

**If your employer is insured by L&I**, contact us at the number printed in your correspondence or by calling 1-800-547-8367.

■ You can also review your information at L&I's online Claim and Account Center at:  
**[www.ClaimInfo.Lni.wa.gov](http://www.ClaimInfo.Lni.wa.gov)**

■ By mail: Department of Labor & Industries  
Insurance Services  
PO Box 44291  
Olympia, WA 98504-4291

**If your employer is self-insured**, contact your employer's claim manager, or L&I's Self-Insurance Section at 360-902-6901.

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