

NEW SECTION

WAC 296-16-112 For purposes of the "preferred worker" program, who is the "employer of record"? When "preferred worker" certification is considered under a claim, the employer of record is any employer determined as responsible for all or part of that claim's costs in the department's final order establishing:

- (1) Claim allowance, for injury claims; and
- (2) Claim liability, for occupational disease claims.

NEW SECTION

WAC 296-16-135 Will the department grant a worker "preferred worker" certification under multiple open claims at the same time? No. While a worker may have multiple open claims at the same time, the department will not grant the worker "preferred worker" certification under more than one of these claims at the same time.

(1) If the worker still has "preferred worker" certification time remaining from a previous claim, and also applies for "preferred worker" certification under a subsequent claim, the department will not grant the worker additional certification. In order to seek employment as a certified "preferred worker," the worker must use the certification time remaining from the previous claim.

(2) If the worker received "preferred worker" certification under a prior claim, and the thirty-six months of that certification has ended, the worker may be eligible for "preferred worker" certification under a subsequent or new open claim.