



# PROPOSED RULE MAKING

## CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Labor and Industries

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 11-15-067 ; or | <input type="checkbox"/> Original Notice                                 |
| <input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or           | <input checked="" type="checkbox"/> Supplemental Notice to WSR 11-24-061 |
| <input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4).                                  | <input type="checkbox"/> Continuance of WSR _____                        |

**Title of rule and other identifying information:** Chapter 296-16A WAC Washington Stay-at-Work Program  
 WAC 296-16A-010 What is the stay-at-work program?  
 WAC 296-16A-020 I am an employer insured with the department – How can I qualify for stay-at-work reimbursements?  
 WAC 296-16A-030 What can I be reimbursed for?  
 WAC 296-16A-040 What if my worker has more than one claim or other qualifying employers?  
 WAC 296-16A-050 How do I apply for reimbursements?

**Hearing location(s):**

March 6, 2012, 10:00 a.m.  
 Shoreline Conference Center  
 18560 1<sup>st</sup> Ave. NE  
 Shoreline, WA 98155

**Submit written comments to:**

Name: Richard Bredeson  
 Address: PO Box 44140  
 Olympia, WA 98504-4140  
 e-mail [Richard.Bredeson@Lni.wa.gov](mailto:Richard.Bredeson@Lni.wa.gov)  
 fax (360) 902-4988 by 5:00 p.m. March 6, 2012

**Assistance for persons with disabilities:** Contact  
Office of Information & Assistance by March 1, 2012  
 TTY(360) 902-5797

**Date of intended adoption:** April 17, 2012  
 (Note: This is **NOT** the **effective** date)

This supplemental CR-102 is being filed to reschedule the original January 17, 2012 hearing in Shoreline, Washington that was cancelled due to inclement weather.

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

The Washington Legislature established a new Stay-at-Work Program for the Department to administer effective June 15, 2011. The law authorizes reimbursements to employers who provide transitional or light duty work to injured workers unable to return to their regular job because of work restrictions related to their injury. The new law allows L&I to reimburse employers for some costs without negatively impacting their experience rating.

These new rules will allow the Department to administer the Washington Stay-at-Work Program efficiently and equitably to all employers. It ensures the requirements for participating in the program are clear and understandable, and reimbursements are appropriate.

**Reasons supporting proposal:**

Employer participation in reimbursements is voluntary. The program will not negatively impact an employer because the costs of reimbursements are expected to be offset by savings due to reduced benefit costs.

**Statutory authority for adoption:** RCW 51.04.020 and RCW 51.32.090

**Statute being implemented:** RCW 51.32.090

**Is rule necessary because of a:**

- |                         |                              |  |
|-------------------------|------------------------------|--|
| Federal Law?            | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision?   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
- If yes, CITATION:

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
 STATE OF WASHINGTON  
 FILED

**DATE: January 31, 2012**

**TIME: 9:23 AM**

**WSR 12-04-072**

**DATE**  
 January 31, 2012

**NAME** (type or print)  
 Judy Schurke

**SIGNATURE**

**TITLE**  
 Director

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

**Name of proponent:** (person or organization) Department of Labor and Industries

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Richard Bredeson	Tumwater, WA	(360) 902-4985
Implementation.... Doug Stewart	Tumwater, WA	(360) 902-4826
Enforcement..... Beth Dupre	Tumwater, WA	(360) 902-4209

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No. Explain why no statement was prepared.

When enactment of new state law requires and directs new regulations, these regulations are exempt from a small business economic statement.

However, the program isn't expected to have an adverse impact on any business because:

- Participation in the Washington Stay-at-Work Program reimbursements is voluntary, and
- The costs for reimbursing participating employers will be offset by savings due to reduced benefit costs.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No: Please explain:

Since the content is directed by statute, neither a cost-benefit analysis, nor a rule implementation plan, is required. However, the Department expects no adverse impact to employers' rates or to the State Fund from the Stay-at-Work Program.