



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Labor and Industries

Permanent Rule Only

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose:

The proposed rules describe the new preferred worker eligibility requirements and explain the expanded incentives available to eligible employers. The proposed rules explain how eligible employers participate in the Preferred Worker Program in order to receive financial incentives similar to the existing Stay at Work Program, plus a continuous employment bonus only available under the Preferred Worker Program. The enabling legislation and the proposed rules also extend the incentives to include the employer of injury if insured through the State Fund.

Citation of existing rules affected by this order:

Repealed: See Attachment 1
 Amended: See Attachment 1
 Suspended: None

Statutory authority for adoption: RCW 51.04.020, RCW 51.04.030, Chapter 137, Laws of 2015 (SHB 1496)

Other authority : None

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 16-09-088 _____ on April 19, 2016 _____ (date).
Describe any changes other than editing from proposed to adopted version:

- Minor edits to improve grammar, consistency and clarity.
- Added reminder to employers about equipment purchase limit in SHB 1496.
- Revised language about continuous employment incentive start date to align with SHB 1496.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____
 Address: _____ fax () _____
 e-mail _____

Date adopted: June 21, 2016

NAME (TYPE OR PRINT)
Joel Sacks

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: June 21, 2016

TIME: 10:45 AM

WSR 16-13-116

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	<u>4</u>	Amended	<u>8</u>	Repealed	<u>3</u>

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>4</u>	Amended	<u>8</u>	Repealed	<u>3</u>
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

Attachment 1 – List of Amended Rules

AMENDED SECTIONS:

WAC 296-16-100 What is the department's "preferred worker" program?

WAC 296-16-110 Who may be certified as a "preferred worker"?

WAC 296-16-120 Who certifies industrially injured or ill workers as “preferred workers”?

WAC 296-16-130 How long does a worker's "preferred worker" certification last?

WAC 296-16-135 Will the department grant a worker "preferred worker" certification under multiple open claims at the same time?

WAC 296-16-140 Which employers are eligible to benefit from the "preferred worker" program?

WAC 296-16-150 What benefits do eligible employers receive from the "preferred worker" program?

WAC 296-16-160 What must an employer do to qualify for benefits when hiring or reemploying a "preferred worker"?

NEW SECTIONS:

WAC 296-16-113 What are the preferred worker certification requirements for a worker with developmental disabilities as defined by RCW 71A.10.020?

WAC 296-16-125 Can a worker’s preferred worker certification be revoked?

WAC 296-16-145 Who must confirm the worker has returned to work that is consistent with the worker’s limitations and physical restrictions?

WAC 296-16-180 Can a denial decision about preferred worker certification or employer incentive eligibility be protested or appealed?

REPEALED SECTIONS:

WAC 296-16-112 For purposes of the “preferred worker” program, who is the “employer of record”?

WAC 296-16-115 How does a worker apply for “preferred worker” certification?

WAC 296-16-170 Where may an employer obtain an Intent to Hire Preferred Worker form?