



## **GUIDE TO RETRAINING PLANS**

Review this guide for important considerations when submitting a retraining plan to Washington State Department of Labor & Industries (L&I). This guide provides useful tips and best practices, including documentation clarification, to help reduce delays in L&I’s review of the plan.

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## Writing retraining plans

Ensure the retraining goal is right for the worker by providing an analysis explaining why this is the right training goal for the worker.

### **Helpful questions to answer in your analysis:**

- How does the worker's permanent restrictions fit within the retraining goal's physical requirements? Does the worker's permanent restrictions fit within the labor market requirements?
- How does the worker's tested aptitudes meet the job goal and program entrance requirements?
- Discuss how the recommended program curriculum meets the labor market requirements.
- Does the worker need adult basic education classes? General Education Development (GED) classes? English as a Second Language (ESL) classes? Basic computer skill classes?
- Does the curriculum fit within the statutory limits?

### **A retraining plan is considered timely when the vocational rehabilitation counselor (VRC):**

- Submits the plan within 90 days of referral. If a plan can't be submitted within the 90 days, the VRC needs to request an extension.
- Submits the retraining at least 45 days prior to the plan start date to allow for any equipment to be ordered/delivered and for the worker to meet registration deadlines
- Contact VSS staff if the start date is over the 90 days.

**NOTE:** A worker can't start a retraining program submitted as a retraining plan until L&I approves the retraining plan

### **When addressing program admissions, the VRC will need to:**

- Document whether the worker meets criteria to register and start retraining.
- Confirm if there is required documentation.
- Confirm site's requirements if training in-person.
- Confirm site's requirements if training online or hybrid.

### **If vaccination status is required, a VRC will need to:**

- Document that they spoke with the worker on the training site's requirements.
- Address whether the worker meets the site's requirements.
- Confirm if the training site allows for medical or religious exemptions.
- Not attach any vaccination records.



For more information, review the [Retraining Plans Impacted by Worker's COVID-19 Vaccination Status Reference Guide](#).

**NOTE:** If the worker can't meet the training site's requirements, the VRC may need to help the worker select a different training site or different goal.

**If the retraining plan requires a license or certification to be employable, the retraining plan will need to address:**

- How the worker qualifies to register for the test or certification.
- The date of the test/exam.
- The location of the test/exam.
- Whether or not the training needs to be completed before taking the test/exam.
- Whether or not the training provider or a third party administers the test/exam.
- Fees/tuition costs.
- Submission due dates for fees/tuition costs reimbursement.

**Driving record or drug testing: If a retraining goal requires a driving record or drug testing, the VRC will need to:**

- Review the worker's driving abstract.
- Clearly outline whether or not there are issues in the retraining plan.
- Address any citations from the driver's abstract with labor market contracts and/or training site.
- Document how the worker meets requirements.

**NOTE:** Do not attach the driving abstract to the report.

## Encumbrance Form

**Ensure all information is correct before submitting the retraining plan. Confirm the:**

- Vendor name.
- Provider number.
- Fees entered under the correct billing code or provider.
- Dates of service time span.
- Plan start date and/or end date.
- Plan end date matches the curriculum.
- Costs entered in encumbrance form rows add up correctly.
- Costs entered in total columns add up to grand total.
- Assigned VRC signature is on the encumbrance form or Accountability Agreement.
- Tuition for private schools is broken down into quarterly payments.
- Consecutive dates of service are listed on the encumbrance form.



**If the end date from a public school is unavailable, the VRC will need to:**

- Review the school's current academic calendar and use the last day of finals week.
- Provide the estimated date with a note explaining that a plan modification may be needed to adjust for the correct future end date.

## Plans with multiple claim numbers

To submit plans with multiple claims:

- Include all claim numbers on the retraining plan. (Example: claim # 1/claim # 2)
- Submit only one copy of the plan to L&I.
- Ensure all claim numbers are on the encumbrance forms.

## Prior plan or option 2

**To find out if a worker had a previous L&I retraining plan:**

- Check [My L&I: Login or sign up \(wa.gov\)](#) Claim and Account Center (CAC) for history of prior retraining.
- Look at billing screens if there is access.

**To find if a worker has previously taken Option 2:**

- Check [My L&I: Login or sign up \(wa.gov\)](#) (CAC) for history of prior retraining.
- Look at billing screens if there is access.
- If the worker spent any or all of their Option 2 funds for previous retraining, contact Option 2 at 360-902-9135.

## Background check

**If a retraining plan labor market requires a worker pass a criminal background check as a condition for hire, you will need to address the following in the retraining plan:**

- Pull the worker's background to find out if there are any convictions.
- Ask the labor market employer what conditions would preclude a worker from being hired if they did not have a clean background check.
- Make sure you include this information in your analysis to document that you addressed this and whether this will impact a worker's ability to obtain employment following completion of the plan.
- Ask the training site if there are any criminal convictions that would impact a worker from attending onsite, in-person classes.

**NOTE:** Do not attach criminal background checks to the retraining plan.



## Limited English proficiency workers

**When a worker has limited English proficiency, the VRC will need to:**

- Address what level of reading, writing, and speaking is needed in the labor market.
- Address if ESL classes are needed for participation in the retraining plan.
- Address the worker's proficiency with the training site, especially if the worker needs to meet any speaking, reading, or writing levels to start a retraining program.
- Address and attach all test results.
- Describe how the training site will document the worker's progress through ESL classes.

## Accountability agreement

**All retraining plans should have an [Accountability Agreement](#) signed by the worker and the assigned VRC.**

If the worker is a Spanish speaker and not legally represented, please have the worker sign the [Spanish Accountability Agreement](#) (even if an interpreter was present).

**NOTE:** Do not alter any of the accountability agreements by adding or subtracting anything from the page.

## Second residence

**When a worker has a second residence, the VRC will need to:**

- Check if your worker qualifies for second residence. Explain how/why there is a need to qualify for second residence.
- Review L&I's Policy 6.53 – Authorizing Board and Lodging for Vocational Retraining.
- Review these helpful sources:
- [Per diem rates and travel resources – Office of Financial Management](#)

**If the worker needs a temporary second residence to participate:**

- Worker must have a primary residence during the proposed retraining program.
- Food expenses will be considered only if the temporary relocation results in the worker residing in a different location than with the worker's immediate family.
- Reimbursement rates (per diem) depend on the county or state where the retraining program is located.



## Labor market survey (retraining)

**How to determine the geographical area for the labor market survey:** The worker's labor market is where the worker is currently living. See [WAC 296-19A-010](#) and [WAC 296-19A-140](#). Do not include any waiver of a labor market.

If the attending provider places restrictions on the approved job analysis for the job goal, the VRC will need to address those restrictions and any equipment needs with the labor market:

- Address whether the restrictions can be accommodated by the labor market.
- Determine if ergonomic equipment is required or recommended.
- Address each required ergonomic item within the labor market.

**NOTE:** Ensure the job analysis matches the labor market and retraining. Any differences in the job title per individual labor market contacts should be explained.

## On-the-Job-Training plans

An On the Job Training (OJT) retraining plan differs from a formal training. The VRC will need to:

- Address whether the OJT is a for-profit employer or a non-profit employer.
- Determine how wages are paid.
- Explain how the retraining site will help the worker be successful.
- Collaborate with the training provider and worker to complete the [Plan Approval Request Report and Plan Certification](#).
- Ensure the form specifies the learning objectives and skills the worker will acquire. Be sure the form contains all signatures.
- [Vocational Plan On-the-Job Training Agreement](#) (F280-039-000)

**NOTE:** When a worker participates in a retraining plan at a private school, the retraining costs should be in quarterly installments (2-3 month increments). Breaking down the costs ensures that a private school will not submit a bill for the entire cost of the retraining amount.

## Accommodations

If a worker needs to purchase equipment, the VRC will need to consider whether or not:

- The equipment medically necessary.
- The equipment is usual or customary for the program.
- The equipment is related to the industrial injury, consider pre-job accommodations.
- The worker has signed an ownership agreement.
- The vendor is approved by L&I.



## Tutoring

### **When a tutor is required, the VRC will need to:**

- Work with the program and the worker to identify the most cost efficient tutoring within the statutory limit.
- Determine what resources the training site offers.
- Include any tutoring documentation in the retraining plan.
- Provide an explanation of why tutoring is needed.
- If tutoring outside of the proposed training site is necessary, enter the fees/costs in the Tuition and Fees R0310 row of the [Plan Time/Cost/Travel Encumbrance Form](#).

## Childcare

### **If the worker needs childcare during the retraining plan, the VRC will need to:**

- Ensure childcare costs are pre-authorized by L&I.
- Confirm the childcare provider has a Washington State license and an L&I provider number.
- Confirm whether L&I can pay the entire amount. The cost can't be split with the worker.
- Enter childcare costs into the Licensed Childcare R0930 row of the [Plan Time/Cost/Travel Encumbrance Form](#).
- Determine if the costs are within the statutory limit.
- Provide explanation for the childcare need. For additional information, review [RCW 51.32.096\(3\)\(d\)](#).

## Computer, Internet, and Software

### **When a worker needs a computer for retraining, the VRC will need to:**

- Consider costs associated with any computer request.
- Determine the most cost effective option for the worker.
- Discuss options with the worker.
- Determine whether a laptop or desktop is a better option.
- Confirm specific software program required by the training program.
- Ask the school to provide minimum technology requirements.
- Receive prior approval before any computer purchase.

**NOTE:** If the worker doesn't have internet service, they can be reimbursed. Workers are not to pay the difference between minimum requirements and a desired computer. If the worker needs the computer as an injury related accommodation, the VRC can request the computer, software, and all associated ergonomic equipment as a pre-job accommodation.



## Costs

### When calculating costs, remember that for programs that are:

- Up to 45 calendar days: L&I or the self-insured employer pays up to the maximum current per diem rate for room and board.
- 46 or more calendar days: L&I or the self-insured employer pays up to one-third the maximum current per diem rate for both room and board.

### Timeframes to consider

- Submit the plan within 90 days of referral. If you are unable to submit your plan within the 90 days, estimate how much more time you need and submit an EVOC to request a plan development extension.
- L&I needs to receive your retraining plan at least 30 days before the start date of the plan. Allow more time if pre-job accommodations need to be in place before the worker starts the plan.
- Plans are expected to start within 90 days of approval. If the start date is over 90 days, staff with your unit vocational services specialist.
- L&I must approve the retraining plan before plan implementation begins.

### Maximum retraining fund

The maximum retraining fund is adjusted each year based on the average percentage change in community college tuition (with some exceptions), according to [RCW 51.32.096\(3\)\(d\)](#).

### Maximum retraining fund by year

Plans approved	Maximum vocational retraining fund
July 1, 2019 – June 30, 2020	\$18,660.46
July 1, 2020 – June 30, 2021	\$19,033.67
July 1, 2021 – June 30, 2022	\$19,414.34
July 1, 2022 – June 30, 2023	\$19,802.63
July 1, 2023 – June 30, 2024	\$20,198.68
July 1, 2024 – June 30, 2025	\$20,602.66





## Option election

- You should explain both Option 1 and Option 2 to the worker so they can make an informed choice. The [Accountability Agreement](#) (F280-016-000) is a good resource. You can also use the brochure for workers, [Option 2: What You Need to Know](#) (F280-036-000).
- L&I must approve the plan before the worker can elect their option.
- For plans approved on or after July 31, 2015, the worker can elect Option 2 at any point within the following period:
  - Beginning with the date of plan approval or our determination a plan is valid, and
  - Ending the 15th day after completion of the first academic quarter or 3 months' training.
- For more information about Option 2, see:
  - [Plan Implementation](#)
  - [Option 2 Vocational Counseling and Job Placement](#)
  - [Option 2 Vocational Services Q&A](#)
  - [Option 2: What You Need to Know](#) (F280-036-000)

## Submitting a plan

### When submitting a plan for approval

- Read and follow all the directions on the CLSPD closing report template before submitting the plan. The plan must be certified as outlined in [PD QA Element#2](#).
- Attach the retraining curriculum. For any private vocational schools, include a copy of the proposed program from the course catalog. Ensure the private school is in good standing with L&I and with the Workforce Training and Education Coordinating Board.
- If the worker has been in previous plan(s), review to ensure accuracy of time and money expended. Then, call the vocational services specialist to verify if expended time or money are creditable.
- Confirm the worker currently lives in the supporting labor market.