

# Retraining Plans Impacted by Worker's COVID-19 Vaccination Status

## Reference Guide

Vocational challenges may arise during retraining plan development and implementation due to changes in training program eligibility requirements, such as COVID-19 vaccination mandates.

Vocational rehabilitation counselors (VRCs) should take a proactive approach with COVID-19 vaccination requirements and the impacts to workers' retraining goals. If a worker is currently unvaccinated or plans to remain unvaccinated, it is important to consider the following:

- If the proposed retraining plan includes in-person training, does the training site require vaccination? Will the worker be able to meet the requirement to start on the first day?
- Has the worker taken steps to meet the specific qualifications for exemptions, if appropriate?
- Has the worker already been granted an exemption by the training site?
- If a worker refuses to receive the vaccination, what other retraining options are available?
- Is the retraining goal still feasible?

**NOTE:** New or updated labor market surveys (LMS) are not required when a worker is already in an approved plan. Questions specifically regarding COVID-19 vaccinations are also not required for a new plan LMS. A worker's ability to perform a job is based on their physical and mental capacities. The labor market is not dependent on a worker's personal choice.

If a worker's retraining plan is impacted by their vaccination status, VRCs can refer to the chart below for guidance. There will be characteristics of each scenario that may require special consideration. These should be staffed with the vocational services specialist (VSS) and handled on a case-by-case basis.

The scenarios below apply to a worker's vaccination status in relation to the training site's requirements. The scenarios apply to approved plans that are not 100% remote and require some on-site training by the program or school.

Worker Status		Vocational Counselor Action
1.	<b>Vaccinated and meets training site's eligibility requirements.</b>	Document and send EVOC to file that eligibility status is met.
2a.	<b>Unvaccinated and does not currently meet training site's eligibility requirements; Will comply and meet requirements by plan start date.</b>	<p>Follow up with worker to confirm dates for eligibility requirement deadlines.</p> <p>Document and send EVOC to file. Include applicable deadlines to meet requirement for eligibility.</p> <p>Confirm eligibility after deadline, then document and submit EVOC.</p> <p>If worker does <b>not</b> meet requirements by deadline, see 2b.</p>
2b.	<b>Unvaccinated and does not currently meet training site's eligibility requirements; Will comply, but cannot meet deadline and plan will be delayed.</b>	<p>Document and send the "non-cooperation" EVOC to file. Call the claim manager (CM) to discuss.</p> <p>Claims will evaluate the worker's compliance under <b>Revised Code of Washington (RCW) 51.32.096</b> and <b>51.32.110</b>. The CM will call the worker to explain the non-cooperation process, if necessary.</p> <p><b>NOTE:</b> The CM will engage their claim lead or supervisor prior to initiating the non-cooperation process and to evaluate if good cause exists.</p>

		<p>Follow up to confirm worker meets the training site’s eligibility requirements by the new/modified training start date and that any plan adjustment is addressed.</p> <p>If needed, contact the vocational services specialist (VSS) for plan modification questions and/or additional vocational assistance (AVA).</p>
3a.	<p><b>Unvaccinated and does not meet training site’s eligibility requirements; Medical/religious exemption request submitted to training site.</b></p> <p><b>NOTE:</b> Individual retraining programs will make decisions regarding exemptions to eligibility requirements. L&amp;I is not involved in making the decision.</p>	<p>Follow up with worker to determine if exemption was accepted. Document and send EVOG to file.</p> <p>Research if training site will allow on-site (or in person) training if exemption is granted.</p> <p>If on-site training is <b>not</b> an option, begin researching other training alternatives. Document and send EVOG to file.</p>
3b.	<p><b>Unvaccinated and does not meet training site’s eligibility requirements; Medical/religious exemption granted by training site.</b></p> <p><b>NOTE:</b> Individual retraining programs will make decisions regarding exemptions to eligibility requirements. L&amp;I is not involved in making the decision.</p>	<p>If on-site training is allowed, document and send EVOG to file.</p> <p>If on-site training is <b>not</b> allowed, recommend alternative training sites.</p> <p>If alternatives are available, plan modification/AVA may be necessary under <b>RCW 51.32.096(4)(c)</b>.</p> <p>If alternatives are <b>not</b> available and the plan cannot be salvaged:</p> <ul style="list-style-type: none"> <li>• Assess employability with consideration of status of current training and new skills acquired in current plan.</li> <li>• Consider closure as plan failure and return to plan development.</li> </ul> <p>If exemption process causes a delay in the plan, send a “non-cooperation” EVOG. Claims will evaluate worker’s compliance under <b>RCW 51.32.096</b> and <b>51.32.110</b> to determine if the worker has good cause. (Exemption from training site is likely to be considered good cause.)</p>
4.	<p><b>Refused vaccine, exemption not granted by training site (or not requested by worker), and no other retraining opportunities for the approved goal exists.</b></p>	<p>Document and send the “non-cooperation” EVOG to file. File documentation from training site that notes worker does <b>not</b> meet eligibility requirements for plan/retraining.</p> <p>Claims will begin or continue the non-cooperation process under <b>RCW 51.32.096(5)(c)</b> and <b>51.32.110</b>.</p> <p>Evaluate employability with consideration of established new skills that worker has received in training.</p> <p>Contact VSS to discuss employability. Contact the CM if guidance for the <b>closing code</b> is needed.</p>