



Washington State Department of
Labor & Industries

Self-Insurance

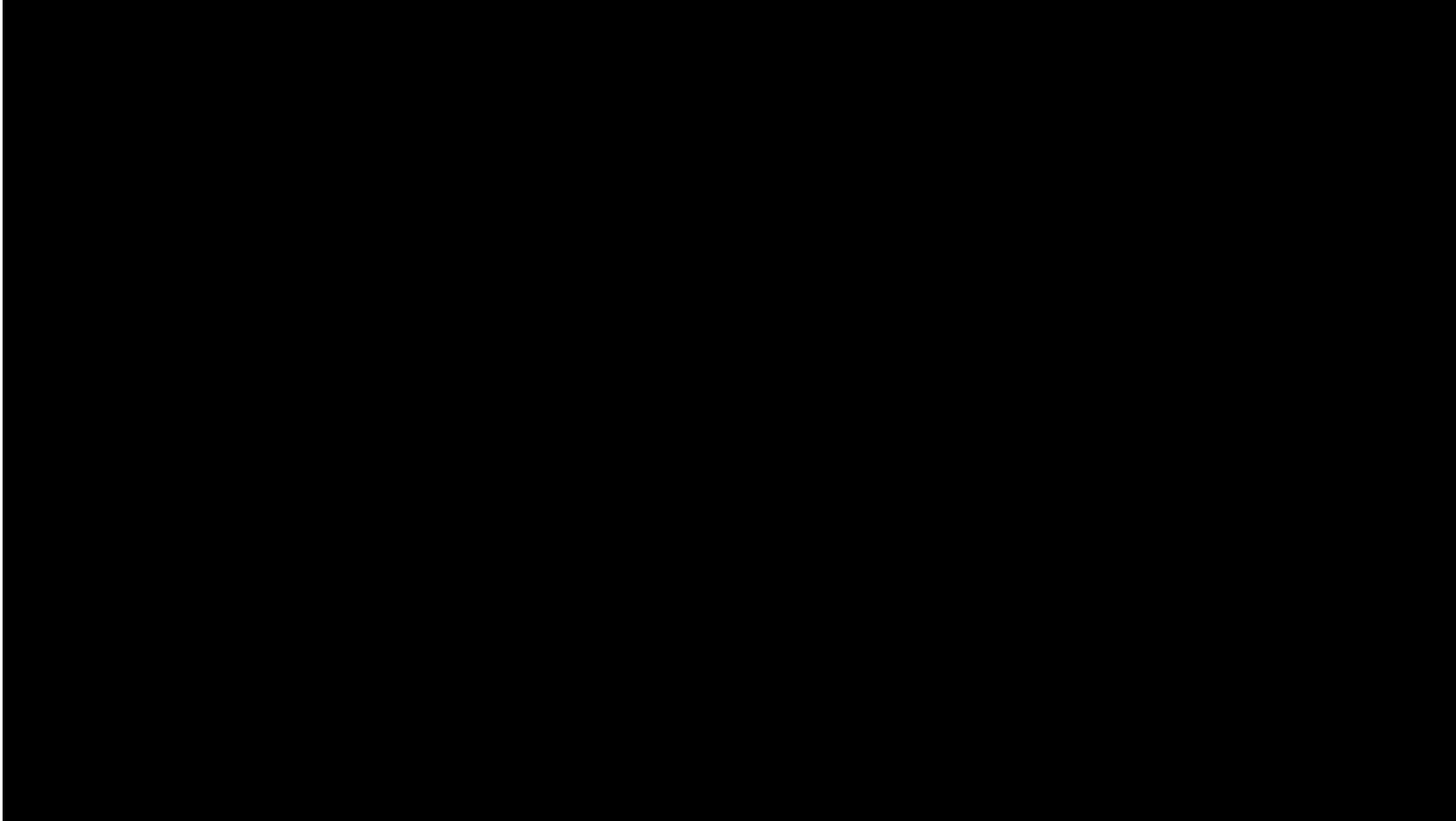


**Self-Insurance
Training Presents:**

Vocational Services

2024 Quarterly Training

Safety Message



Resources

- **Claim Adjudication Guidelines** – Vocational Rehabilitation
https://www.lni.wa.gov/insurance/_docs/CAGVocRehab.pdf
- **RCW's (Title 51)** - Revised Code of Washington
<https://apps.leg.wa.gov/rcw/default.aspx?Cite=51>
- **WAC's (Title 296)** – Washington Administrative Code
<https://apps.leg.wa.gov/WAC/default.aspx?cite=296-20>

Vocational Services: What are they?

- Enable the injured worker to become **employable** at **gainful employment**.
- Used when the worker is unable to return to their job of injury at their employer of injury.

What is “Employable”?

- Having the skills and training necessary in the labor market to be capable of performing and obtaining gainful employment.

Skills must be current and relevant...

... in the worker’s labor market.

Gainful Employment

- Any occupation, including self-employment, which allows a worker to be compensated with wages or other earnings.
- Employment should be on a reasonably continuous basis.

Return to Work Priorities/Outcomes

- Established by RCW 51.32.095(2).
 - a) Return to work at the job of injury (JOI) with same employer.
 - b) JOI with modifications, including transitional return to work (RTW).
 - c) New job with same employer, no modifications needed.
 - d) New job with same employer, with modifications, including transitional RTW.
 - e) Previous job (JOI), with modifications, with new employer.

Return to Work Priorities/Outcomes

- f) New job with new employer based on transferable skills.
- g) New job with new employer, with modifications.
- h) New job with new employer, involving on-the-job training.
- i) Short-term retraining.

Job Description (JD)

- A written description of a specific job to include required duties, physical requirements to perform those duties, and qualifications needed for the job as reported by the worker or employer.

Job Analysis (JA)

- A detailed written analysis of a specific job based on direct objective observation and measurement by a qualified vocational counselor.
- WAC 296-19A-170 identifies the required elements of a job analysis.

Transferable Skills

- Skills that are interchangeable among different jobs and workplaces.
- Any combination of learned or demonstrated behavior, education, training, work traits, and work-related skills that can be applied by the worker.

Vocational Rehabilitation Counselor (VRC)

- Assigned by the SIE/TPA.
- Meets with worker to obtain work history and educational history.
- Evaluates the worker's skills.
- Assists in RTW, including light duty or permanent jobs.
- Completes regular reports to the SIE/TPA.
- Is a resource for Claim Managers.

SI Vocational Reporting Form (SIVRF)

- SIE is required to forward reports to the department for all vocational determinations.
 - Exception: Not required if worker returns to or is found able to work at JOI.
- A signed and completed SIVRF must be attached to all reports.

Heal and Return to Work

- Tools used to help workers heal and return to work:
 - Light duty (LD)
 - Early Intervention (EI)
 - Assessment Services (AWA)
 - Plan Development (PD)
 - Plan Implementation (PI)

Temporary Light Duty Job Offer (LDJO)

- Must meet the requirements under RCW 51.32.090(4) to be considered valid.
 - Must be with the employer of injury.
 - Job duties and physical requirements sent to the doctor for approval, with a copy to the worker.
 - In writing, with a reasonable start date.
 - Health care benefits restored to date of injury levels.

Early Intervention

- Only addresses RTW with SIE.
 - First four Return to Work Priorities.
- SIEs are often able to address these steps without a formal vocational referral.

Knowledge Check



Which RCW covers Vocational Rehabilitation Services?

RCW 51.32.095

Which return to work priorities under RCW
51.32.095 require the services of a
Vocational Resource Counselor?

Priorities e through i

Ethan receives a written light duty job offer from his employer, starting 1 week from today. His HCB will remain the same. The job analysis signed by his AP is attached; he has not seen it before.

Is this a valid LDJO?

No

Which RCW covers this?

RCW 51.32.090(4)(b), a copy of the JA must be sent to the worker when it is first sent to the AP.

The 3 Phases of Vocational Recovery

- Assessment Services Phase
- Plan Development Phase
- Plan Implementation Phase

Assessment Services Phase

- Ability to Work Assessment (AWA):
 - Skills, abilities, education, and knowledge
 - Work history, volunteer work, and hobbies
 - Physical capacities and medical restrictions
 - Job Market

Plan Development Phase (PD)

- If worker not found employable in Assessment Phase:
 - VRC must submit the retraining plan within 90 days.
 - Department VSS reviews to determine if appropriate.
 - Must meet requirements of WAC 296-19A-100.
 - SIE can make a valid job offer prior to final approval of vocational plan.

Plan Development Phase (PD)

- May Involve on-the-job training, certificate program, Associate's Degree, etc.
- Cannot be more than two years long.
- Maximum allowed cost as of 7/1/23 is \$20,198.68.
- SIVRF is needed when the plan is completed.
 - Time-loss are benefits terminated as soon as plan ends.

Option 1 (Plan Retraining)

- Retraining plans may involve:
 - On-the-job training
 - A certificate program, or
 - An Associate's degree
- The Vocational Plan cannot be more than 2 years long.

Option 2 (Other Training)

- Worker can choose Option 2 rather than participate in the formal plan.
- Can choose Option 2 from date of plan approval to 15th day after completion of first quarter (or 3 months).

Option 2 Benefits

- Vocational award: equal to 9 months of time-loss.
- Training fund: access to retraining reimbursement for 5 years from date of Option 2 approval.
 - 10% of funds available for vocational counseling or job placement assistance.
- If worker starts Option 1 plan and then chooses Option 2, any TL/retraining funds used are deducted from Option 2 award.

Option 2 Actions

- Within 5 days of receiving worker's Option 2 election, the SIE/TPA must submit signed SIVRF with:
 - Total vocational costs paid since worker was found eligible for services.
 - Worker's signed Option 2 election form.
- Once Option 2 order is issued, SIE must stop TL effective the date of the order & start Option 2 payments.

Worker Responsibilities

- Must fully participate in all aspects of voc, including:
 - Determination of physical capacities.
 - Development of vocational goals.
 - Implementation of the process.
 - Accountability agreement.

Plan Expectations

- Workers in Plan Implementation sign accountability agreement with additional expectations, including:
 - Contact VRC at least twice a month to discuss progress or problems.
 - Meet program attendance/academic requirements.
 - If absent from class or activity, notify VRC.
 - If in job placement, participate in all activities, including contacting 5 employers per week.

Vocational Dispute Resolution Office (VDRO)

- Reviews all the disputes of vocational determinations.
- Only elements that can be disputed are:
 - Finding worker eligible or not eligible for services.
 - Approved vocational plan.
 - Approved plan modifications.
- Claims cannot close until VDRO makes a recommendation.

Time Loss during Vocational Disputes

- Payment during disputes is discretionary.
 - If the vocational determination found the worker to be employable, TL would not be paid during the dispute.
 - If the VDRO finds they cannot uphold employability, retroactive TL is owed from the date TL ended.
 - If the VDRO requests more information to be submitted, TL will be reinstated.

Plan Interruption

- Plan Interruption is an unscheduled break in the program.
- If interruption is beyond control of the worker (need for surgery, new injury, or aggravation of accepted condition), SIE must restart plan.
- If interruption is the result of worker's actions, plan and TL must be suspended.

Plan Interruption

| Acceptable Reasons (“Good Cause”) | Unacceptable Reasons |
|---|---|
| L&I only accepts three good cause reasons to stop participating in a vocational plan: | Any other reasons for stopping a vocational plan are considered unacceptable. Examples include: |
| ✓ Closure of school or program. | ✓ Medical condition unrelated to original injury or occupational illness. |
| ✓ Death in immediate family. | ✓ Failure to meet accountability agreement. |
| ✓ Changes in medical condition related to injury or occupational illness. (Must be documented by medical provider.) | |

Knowledge Check



The Option 2 Award is equal to how many months of time-loss payments?

9 months

Which of the following can NOT be disputed to the VDRO?

Validity of a permanent job offer made to a worker found eligible for plan development.

Resources

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<https://apps.leg.wa.gov/WAC/default.aspx?cite=296-20>

Questions?

- Claim-specific questions: Call 360-902-6901 and ask for the claim adjudicator assigned to the claim.
- General claim questions: email us at SITrainerquestions@lni.wa.gov