
SUBSTITUTE SENATE BILL 6112

State of Washington

54th Legislature

1996 Regular Session

By Senate Committee on Labor, Commerce & Trade (originally sponsored by Senator Wojahn)

Read first time 01/26/96.

1 AN ACT Relating to costs allowed for vocational rehabilitation
2 benefits; and amending RCW 51.32.095.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 51.32.095 and 1988 c 161 s 9 are each amended to read
5 as follows:

6 (1) One of the primary purposes of this title is to enable the
7 injured worker to become employable at gainful employment. To this
8 end, the department or self-insurers shall utilize the services of
9 individuals and organizations, public or private, whose experience,
10 training, and interests in vocational rehabilitation and retraining
11 qualify them to lend expert assistance to the supervisor of industrial
12 insurance in such programs of vocational rehabilitation as may be
13 reasonable to make the worker employable consistent with his or her
14 physical and mental status. Where, after evaluation and recommendation
15 by such individuals or organizations and prior to final evaluation of
16 the worker's permanent disability and in the sole opinion of the
17 supervisor or supervisor's designee, whether or not medical treatment
18 has been concluded, vocational rehabilitation is both necessary and
19 likely to enable the injured worker to become employable at gainful

1 employment, the supervisor or supervisor's designee may, in his or her
2 sole discretion, pay or, if the employer is a self-insurer, direct the
3 self-insurer to pay the cost as provided in subsection (3) of this
4 section.

5 (2) When in the sole discretion of the supervisor or the
6 supervisor's designee vocational rehabilitation is both necessary and
7 likely to make the worker employable at gainful employment, then the
8 following order of priorities shall be used:

9 (a) Return to the previous job with the same employer;

10 (b) Modification of the previous job with the same employer
11 including transitional return to work;

12 (c) A new job with the same employer in keeping with any
13 limitations or restrictions;

14 (d) Modification of a new job with the same employer including
15 transitional return to work;

16 (e) Modification of the previous job with a new employer;

17 (f) A new job with a new employer or self-employment based upon
18 transferable skills;

19 (g) Modification of a new job with a new employer;

20 (h) A new job with a new employer or self-employment involving on-
21 the-job training;

22 (i) Short-term retraining and job placement.

23 (3) Costs for vocational rehabilitation benefits allowed by the
24 supervisor or supervisor's designee under subsection (1) of this
25 section may include the cost of books, tuition, fees, supplies,
26 equipment, transportation, child or dependent care, and other necessary
27 expenses for any such worker in an amount not to exceed (~~three~~) ten
28 thousand dollars (~~in any fifty-two week period~~), and the cost of
29 continuing the temporary total disability compensation under RCW
30 51.32.090 while the worker is actively and successfully undergoing a
31 formal program of vocational rehabilitation. Such expenses may include
32 training fees for on-the-job training and the cost of furnishing tools
33 and other equipment necessary for self-employment or reemployment(~~(:~~
34 ~~PROVIDED, That such~~)). However, the compensation or payment of
35 retraining with job placement expenses may not be authorized for a
36 period of more than (~~fifty-two~~) one hundred four weeks(~~:(~~ ~~PROVIDED~~
37 ~~FURTHER, That such~~)). The period also may, in the sole discretion of
38 the supervisor after his or her review, be extended for an additional
39 fifty-two weeks or portion thereof by written order of the supervisor.

1 In cases where the worker is required to reside away from his or
2 her customary residence, the reasonable cost of board and lodging shall
3 also be paid. Said costs shall be chargeable to the employer's cost
4 experience or shall be paid by the self-insurer as the case may be.

5 (4) The department shall establish criteria to monitor the quality
6 and effectiveness of rehabilitation services provided by the
7 individuals and organizations used under subsection (1) of this
8 section. The state fund shall make referrals for vocational
9 rehabilitation services based on these performance criteria.

10 (5) The department shall engage in, where feasible and cost-
11 effective, a cooperative program with the state employment security
12 department to provide job placement services under this section.

13 (6) The benefits in this section shall be provided for the injured
14 workers of self-insured employers. Self-insurers shall report both
15 benefits provided and benefits denied under this section in the manner
16 prescribed by the department by rule adopted under chapter 34.05 RCW.
17 The director may, in his or her sole discretion and upon his or her own
18 initiative or at any time that a dispute arises under this section,
19 promptly make such inquiries as circumstances require and take such
20 other action as he or she considers will properly determine the matter
21 and protect the rights of the parties.

22 (7) The benefits provided for in this section are available to any
23 otherwise eligible worker regardless of the date of industrial injury.
24 However, claims shall not be reopened solely for vocational
25 rehabilitation purposes.

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