
SUBSTITUTE SENATE BILL 6363

State of Washington

54th Legislature

1996 Regular Session

By Senate Committee on Labor, Commerce & Trade (originally sponsored by Senators Pelz and Newhouse)

Read first time 02/02/96.

1 AN ACT Relating to payment of job modification or accommodation
2 costs for injured workers; 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 thousand
28 dollars in any fifty-two week period, and the cost of continuing the
29 temporary total disability compensation under RCW 51.32.090 while the
30 worker is actively and successfully undergoing a formal program of
31 vocational rehabilitation. Such expenses may include training fees for
32 on-the-job training and the cost of furnishing tools and other
33 equipment necessary for self-employment or reemployment: PROVIDED,
34 That such compensation or payment of retraining with job placement
35 expenses may not be authorized for a period of more than fifty-two
36 weeks: PROVIDED FURTHER, That such period may, in the sole discretion
37 of the supervisor after his or her review, be extended for an
38 additional fifty-two weeks or portion thereof by written order of the
39 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) In addition to the vocational rehabilitation expenditures
6 provided for under subsection (3) of this section, an additional five
7 thousand dollars may, upon authorization of the supervisor or the
8 supervisor's designee, be expended for: (a) Accommodations for an
9 injured worker that are medically necessary for the worker to
10 participate in an approved retraining plan; and (b) accommodations
11 necessary to perform the essential functions of an occupation in which
12 an injured worker is seeking employment consistent with the retraining
13 plan or the recommendations of a vocational evaluation. The injured
14 worker's attending physician must verify the necessity of the
15 modifications or accommodations. The total expenditures authorized in
16 this subsection and the expenditures authorized under RCW 51.32.250
17 shall not exceed five thousand dollars.

18 (5) The department shall establish criteria to monitor the quality
19 and effectiveness of rehabilitation services provided by the
20 individuals and organizations used under subsection (1) of this
21 section. The state fund shall make referrals for vocational
22 rehabilitation services based on these performance criteria.

23 ~~((+5))~~ (6) The department shall engage in, where feasible and
24 cost-effective, a cooperative program with the state employment
25 security department to provide job placement services under this
26 section.

27 ~~((+6))~~ (7) The benefits in this section shall be provided for the
28 injured workers of self-insured employers. Self-insurers shall report
29 both benefits provided and benefits denied under this section in the
30 manner prescribed by the department by rule adopted under chapter 34.05
31 RCW. The director may, in his or her sole discretion and upon his or
32 her own initiative or at any time that a dispute arises under this
33 section, promptly make such inquiries as circumstances require and take
34 such other action as he or she considers will properly determine the
35 matter and protect the rights of the parties.

36 ~~((+7))~~ (8) The benefits provided for in this section are available
37 to any otherwise eligible worker regardless of the date of industrial

1 injury. However, claims shall not be reopened solely for vocational
2 rehabilitation purposes.

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