

2224-S

Sponsor(s): House Committee on Commerce & Labor (originally sponsored by Representatives Clements, Conway, Keiser, Stensen and Kenney)

Brief Title: Making return-to-work benefits available prior to a determination of eligibility for vocational rehabilitation services.

HB 2224-S - DIGEST

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that an employer may request early intervention benefits to assist an injured worker to return to work in a modified or a new job with the employer of injury, or to a new job with a new employer, the costs of which the supervisor of industrial insurance or supervisor's designee, in his or her sole discretion, may pay if: (1) The supervisor or supervisor's designee has not made a determination with regard to vocational rehabilitation services for the injured worker under RCW 51.32.095;

(2) the attending doctor has certified that it is more probable than not that the injured worker's disability will last twelve months or more from the date of injury;

(3) the injured worker's disability constitutes a substantial impairment that prevents the injured worker from performing an essential function of the job at injury;

(4) the department has been provided with a job analysis of the proposed job completed by a qualified vocational rehabilitation professional and approved by the attending doctor. The job analysis must meet standards determined by department rule, not to exceed the job analysis requirements of the federal Americans with disabilities act, P.L. 101-336;

(5) the employer providing the proposed job agrees to pay no less than ninety-five percent of the wages of the job at injury and the proposed job is available to the worker for at least twelve consecutive months; and

(6) if benefits are to be provided for returning an injured worker to a new job, the job at injury cannot be modified without undue hardship to the employer of injury.