

WAC 296-19A-600 How does an eligible injured worker elect vocational Option 2 benefits? (1) If the worker's plan was approved prior to July 31, 2015, the worker has up to fifteen days from the approval of a retraining plan or the department's determination that a disputed plan is valid to submit to the department or self-insured employer the retraining plan option election form indicating they elect Option 2 and choose not to participate in their retraining plan.

(2) If the worker's plan was approved on or after July 31, 2015, the worker can elect Option 2 at any point within the following time period:

- Beginning with the date of plan approval or the department's determination that a disputed plan is valid; and

- Ending the fifteenth day after completion of the first academic quarter or three months' training.

(a) To elect Option 2, the worker submits to the department or self-insured employer the retraining plan option election form indicating they elect Option 2 and choose not to participate, or continue participating, in their retraining plan.

(b) Wherever the time for electing Option 2 is referenced in chapter 296-19A WAC, if the school or training program does not use an academic quarter system, the three-month time period applies; however, if the worker's vocational retraining plan is less than three months in duration, the worker's last day to elect Option 2 is the day before the plan ends. The worker cannot elect Option 2 after the plan is completed.

(3) The department may approve an Option 2 election submitted within twenty-five calendar days if the worker provides a written explanation establishing that he or she was unable to submit his or her election within the fifteen calendar days specified in subsections (1) and (2) of this section.

(4) If no completed and signed retraining plan option election form is received, the worker must participate in the approved Option 1 retraining plan.

(5) The worker's election of Option 2 means the worker's claim will be closed, and the worker will receive the vocational Option 2 award and access to the Option 2 training funds.

[Statutory Authority: RCW 51.04.020, 51.04.030, and 2015 c 137. WSR 16-03-060, § 296-19A-600, filed 1/19/16, effective 2/19/16. Statutory Authority: Chapter 51.32 RCW. WSR 11-23-070, § 296-19A-600, filed 11/15/11, effective 12/16/11. Statutory Authority: RCW 51.04.020, 51.04.030, 51.32.095, 51.32.099 and 51.32.0991 (2007 c 72). WSR 10-07-054, § 296-19A-600, filed 3/12/10, effective 4/12/10.]