
Commerce & Labor Committee

HB 1626

Brief Description: Enhancing industrial insurance vocational rehabilitation benefits.

Sponsors: Representatives Conway, Campbell, Berkey, Cooper, Hudgins, Lovick, Miloscia, Romero, Chase, Moeller, Santos and Kenney.

Brief Summary of Bill

- Provides for industrial insurance vocational rehabilitation benefits that are intended to assist the injured worker to become employable at wages that are at least 80 percent of the worker's preinjury wages.

Hearing Date: 2/26/03

Staff: Chris Cordes (786-7103).

Background:

One of the stated primary purposes of Washington's Industrial Insurance Act (Act) is to enable an injured worker to become employable at gainful employment. The Department of Labor and Industries (Department) pays, or directs self-insured employers to pay, the costs of vocational rehabilitation services when these services are necessary and likely to enable the injured worker to become employable at gainful employment.

The Act does not define "employable" or "gainful employment." It does, however, define an injured worker as permanently and totally disabled if the worker has certain specified conditions or has other conditions "permanently incapacitating the worker from performing any work at any gainful occupation."

Under Department rules, an injured worker is employable if the worker has the skills and training necessary in the labor market to be capable of performing and obtaining gainful employment on a reasonably continuous basis, considering age, education, experience, and preexisting limitations or limitations due to the industrial injury. The rules also add that a worker must be found employable if there are no physical or mental limitations caused by the industrial injury or occupational disease.

Summary of Bill:

Vocational rehabilitation services may be provided not only when the services are necessary and likely to enable the worker to become employable at gainful employment, but also when the services will assist the worker to become employable at 80 percent of the worker's preinjury wage. The services that are provided must be intended to assist a worker to become employable at this 80 percent wage level.

"Preinjury wage" means the monthly wages, including benefits provided by the employer, that were earned by the worker at the time of injury.

Rules Authority: The bill does not contain provisions addressing the rule-making powers of an agency.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.