

# SENATE BILL REPORT

## EHB 1470

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As Reported by Senate Committee On:  
Commerce & Labor, March 27, 2013

**Title:** An act relating to recommendations of the vocational rehabilitation subcommittee for workers' compensation.

**Brief Description:** Addressing the recommendations of the vocational rehabilitation subcommittee for workers' compensation.

**Sponsors:** Representatives Ormsby, Manweller, Sells, Reykdal, Fagan, Green, Van De Wege and Condotta; by request of Department of Labor & Industries.

**Brief History:** Passed House: 2/18/13, 96-0.

**Committee Activity:** Commerce & Labor: 3/20/13, 3/27/13 [DP].

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### SENATE COMMITTEE ON COMMERCE & LABOR

**Majority Report:** Do pass.

Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa, Hewitt, Keiser and King.

**Staff:** Mac Nicholson (786-7445)

**Background:** Injured workers are eligible for vocational rehabilitation benefits when they cannot return to their old job due to the effects of their injury, and they lack the training or skills for a different job to become employable. Vocational benefits are discretionary, and the Department of Labor and Industry (L&I) will notify the worker and the employer of benefit eligibility.

Legislation was enacted in 2007 that established a five-year vocational training pilot program, known as the Vocational Improvement Project (VIP). Under the VIP, injured workers eligible for vocational benefits have 90 days to develop and submit a training plan to L&I, and employers have 15 days to offer the injured worker a job. Time-loss benefits and vocational plan development services will stop if the employer makes a valid job offer during the 15-day period. Vocational training benefit caps are increased under VIP, and vocational plans must contain an accountability agreement detailing expectations and progress measures, among other requirements.

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A vocational retraining plan includes a job goal based on the worker's skills, interests, and medically documented limitations. L&I must approve or reject a submitted vocational plan and, if approved, the worker must decide one of two options:

- The injured worker continues ahead with the approved vocational plan. The worker will continue to receive time-loss and medical benefits during vocational training as long as the worker actively participates in the plan and meets plan requirements.
- The injured worker receives a vocational award in an amount equal to six months of time-loss, and the claim is closed. The injured worker may pursue a retraining goal or program different than the one approved by L&I. Vocational funds will be available to the worker with some limitation for up to five years. Vocational funds can be used for tuition or training at L&I-approved institutions or programs.

VIP also established a vocational rehabilitation subcommittee to provide input and oversight of the program.

A final report on VIP was submitted to the Legislature in December 2012. VIP will expire on June 30, 2013.

**Summary of Bill:** The sunset date for VIP is extended three years to June 30, 2016.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Staff Summary of Public Testimony:** PRO: There is a need for vocational rehabilitation. The old system was broken, and the new system works. This is a good example of people working together to solve a problem. This bill simply extends the sunset by three years. Business and labor worked together on the legislation.

**Persons Testifying:** PRO: Representative Ormsby, prime sponsor; Tamara Jones, L&I.