

WAC 296-16-113 What are the preferred worker certification requirements for a worker with developmental disabilities as defined by RCW 71A.10.020?

(1) A worker with a developmental disability may be certified as a preferred worker, in the sole discretion of the supervisor of industrial insurance or the supervisor's designee, if the worker has an open state fund insured claim for an industrial injury or occupational disease, or a closed state fund claim where the closure is not final, that results in payment of time-loss compensation benefits for:

(a) A period of at least seven days if the worker's date of injury is on or after January 1, 2025; or

(b) A period of at least 14 days if the worker's date of injury is prior to January 1, 2025.

(2) A worker with developmental disabilities does not need to apply for preferred worker certification. The department will evaluate the worker's eligibility for certification after receiving the employer's documentation described in WAC 296-16-160(3).

(3) If the health care provider has released the worker without restrictions and the worker is returning to the job of record, a job analysis or job description is not needed.

[Statutory Authority: RCW 51.04.020(1). WSR 24-23-080, s 296-16-113, filed 11/19/24, effective 1/1/25. Statutory Authority: RCW 51.04.020, 51.04.030, and 2015 c 137. WSR 16-13-116, § 296-16-113, filed 6/21/16, effective 7/22/16.]