

**WAC 296-16-160 What must an employer do to qualify for benefits when hiring or reemploying a preferred worker?** (1) An employer must employ the certified preferred worker in a job that:

(a) Will continue to be available into the foreseeable future; and

(b) Is confirmed as consistent with the worker's permanent work restrictions as outlined in WAC 296-16-145; and

(c) Addresses a business need or provides economic value to the employer.

(2) The employer will not be eligible for preferred worker incentives if the offered job is any of the following:

(a) The job of injury with minor or no modifications;

(b) Work that is beyond the worker's medical restrictions;

(c) Work which requires training beyond the usual and customary training provided by the employer to similar employees;

(d) On-the-job training.

(3) Except for tools and equipment as described in WAC 296-16-150 (2)(c), and the continuous employment incentive as described in WAC 296-16-150(3), in no case will the employer receive any preferred worker benefits for dates worked prior to the department's receipt of all required documentation. The employer must submit to the department:

(a) For a preferred worker with a date of injury on or after January 1, 2025, a copy of the completed job analysis or department's job description form or for a preferred worker with a date of injury prior to January 1, 2025, a copy of the completed job analysis or department's job description form approved by the worker's health care provider; and

(b) The job offer, signed by the worker; and

(c) The preferred worker request form, available on the department's website, completed and signed by the employer.

(d) Once all appropriately completed documents described in (a) through (c) of this subsection have been received by the department, the employer can be reimbursed for the cost of any tools and equipment as described in WAC 296-16-150 (2)(c) if purchased within 60 days of the first date of the preferred worker's employment.

(4) After the offered job is approved by the department's credentialed vocational rehabilitation professional, preferred worker benefits can be granted. The benefit start date will be no earlier than the first workday after the department receives the employer's completed documentation.

(5) If the job is offered after the preferred worker's claim is closed, the worker's restrictions at time of claim closure will apply.

[Statutory Authority: RCW 51.04.020(1). WSR 24-23-080, s 296-16-160, 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, § 296-16-160, filed 6/21/16, effective 7/22/16. Statutory Authority: RCW 51.04.010, 51.04.020 and 2004 c 258. WSR 05-01-105, § 296-16-160, filed 12/15/04, effective 1/15/05.]