

2 EHB 1653 - S COMM AMD
3 By Committee on Labor & Commerce

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5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 51.32.095 and 1988 c 161 s 9 are each amended to read
8 as follows:

9 (1) One of the primary purposes of this title is to enable the
10 injured worker to become employable at gainful employment. To this
11 end, the department or self-insurers shall utilize the services of
12 individuals and organizations, public or private, whose experience,
13 training, and interests in vocational rehabilitation and retraining
14 qualify them to lend expert assistance to the supervisor of industrial
15 insurance in such programs of vocational rehabilitation as may be
16 reasonable to make the worker employable consistent with his or her
17 physical and mental status. Where, after evaluation and recommendation
18 by such individuals or organizations (~~and prior to final evaluation of~~
19 ~~the worker's permanent disability~~) and in the sole opinion of the
20 supervisor or supervisor's designee, whether or not medical treatment
21 has been concluded, vocational rehabilitation is both necessary and
22 likely to enable the injured worker to become employable at gainful
23 employment, the supervisor or supervisor's designee may, in his or her
24 sole discretion, pay or, if the employer is a self-insurer, direct the
25 self-insurer to pay the cost as provided in subsection (3) of this
26 section.

27 (2) When in the sole discretion of the supervisor or the
28 supervisor's designee vocational rehabilitation is both necessary and
29 likely to make the worker employable at gainful employment, then the
30 following order of priorities shall be used:

- 31 (a) Return to the previous job with the same employer;
32 (b) Modification of the previous job with the same employer
33 including transitional return to work;
34 (c) A new job with the same employer in keeping with any
35 limitations or restrictions;

1 (d) Modification of a new job with the same employer including
2 transitional return to work;

3 (e) Modification of the previous job with a new employer;

4 (f) A new job with a new employer or self-employment based upon
5 transferable skills;

6 (g) Modification of a new job with a new employer;

7 (h) A new job with a new employer or self-employment involving on-
8 the-job training;

9 (i) Short-term retraining and job placement.

10 (3) Costs for vocational rehabilitation benefits allowed by the
11 supervisor or supervisor's designee under subsection (1) of this
12 section may include the cost of books, tuition, fees, supplies,
13 equipment, (~~((transportation, child or dependent care,))~~) and other
14 necessary expenses for any such worker in an amount not to exceed
15 (~~((three thousand dollars))~~) one hundred fifty-five percent of the
16 average monthly wage in the state on the date of injury as computed
17 under RCW 51.08.018 in any fifty-two week period, ((and)) the cost of
18 continuing the temporary total disability compensation under RCW
19 51.32.090 while the worker is actively and successfully undergoing a
20 formal program of vocational rehabilitation, and the cost of
21 transportation and of child or dependent care related to the worker's
22 participation in the vocational rehabilitation program. Such expenses
23 may include training fees for on-the-job training and the cost of
24 furnishing tools and other equipment necessary for self-employment or
25 reemployment(~~((: PROVIDED, That such))~~). The department shall establish
26 by rule allowable reimbursement rates for mileage and either child or
27 dependent care, or both. The compensation or payment of retraining
28 with job placement expenses authorized under this section may not be
29 authorized for a period of more than fifty-two weeks((: PROVIDED
30 FURTHER, That such)). However, this period may, in the sole discretion
31 of the supervisor after his or her review, be extended for an
32 additional fifty-two weeks or portion thereof by written order of the
33 supervisor.

34 In cases where the worker is required to reside away from his or
35 her customary residence, the reasonable cost of board and lodging shall
36 also be paid. ((Said)) The costs shall be chargeable to the employer's
37 cost experience or shall be paid by the self-insurer as the case may
38 be.

1 (4) The department shall establish criteria to monitor the quality
2 and effectiveness of rehabilitation services provided by the
3 individuals and organizations used under subsection (1) of this
4 section. The state fund shall make referrals for vocational
5 rehabilitation services based on these performance criteria.
6 Organizations to which referrals are made may include administrative
7 entities of service delivery areas as established under the federal job
8 training partnership act if the entities meet minimum standards
9 established by the department.

10 (5) The department shall engage in, where feasible and cost-
11 effective, a cooperative program with the state employment security
12 department to provide job placement services under this section.

13 (6) The benefits in this section shall be provided for the injured
14 workers of self-insured employers. Self-insurers shall report both
15 benefits provided and benefits denied under this section in the manner
16 prescribed by the department by rule adopted under chapter 34.05 RCW.
17 The director may, in his or her sole discretion and upon his or her own
18 initiative or at any time that a dispute arises under this section,
19 promptly make such inquiries as circumstances require and take such
20 other action as he or she considers will properly determine the matter
21 and protect the rights of the parties.

22 (7) The benefits provided for in this section are available to any
23 otherwise eligible worker regardless of the date of industrial injury.
24 However, claims shall not be reopened solely for vocational
25 rehabilitation purposes.

26 (8) Total expenditures authorized under this section for any fiscal
27 year following the effective date may not exceed an amount equal to the
28 amount authorized in fiscal year 1994, multiplied by a fraction the
29 numerator of which is the total of claims filed under this title in
30 fiscal year 1994, and the denominator is the number of claims filed in
31 the fiscal year for which authorization is being determined.

32 NEW SECTION. Sec. 2. A new section is added to chapter 51.12 RCW
33 to read as follows:

34 A person who provides rehabilitation for injured workers in the
35 form of on-the-job training or transitional work under this title may
36 elect coverage under this title for the injured workers receiving the
37 services, regardless of whether the person providing the services pays
38 wages to the workers for the on-the-job training or transitional work

1 program. RCW 51.16.120(3) shall apply to the workers for whom
2 coverage has been elected as authorized in this section. For the
3 purposes of this section, "person" means an individual, firm,
4 corporation, partnership, trust, legal representative, or other legal
5 entity.

6 NEW SECTION. **Sec. 3.** This act applies to claims filed on or after
7 the effective date of this act."

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11 On page 1, line 2 of the title, after "insurance;" strike the
12 remainder of the title and insert "amending RCW 51.32.095; adding a new
13 section to chapter 51.12 RCW; and creating a new section."

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