

Return to Work Incentives



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Presenter Information

Return to Work Incentives



1. Creating a Return-to-Work Program
2. Stay at Work Reimbursement Program
3. Preferred Worker Program

Return to Work Incentives



Creating a Return-to-Work Program

- **A written, proactive process designed to assist employers in returning injured or ill employees to medically approved productive work.**



Return to Work Incentives



What is included?

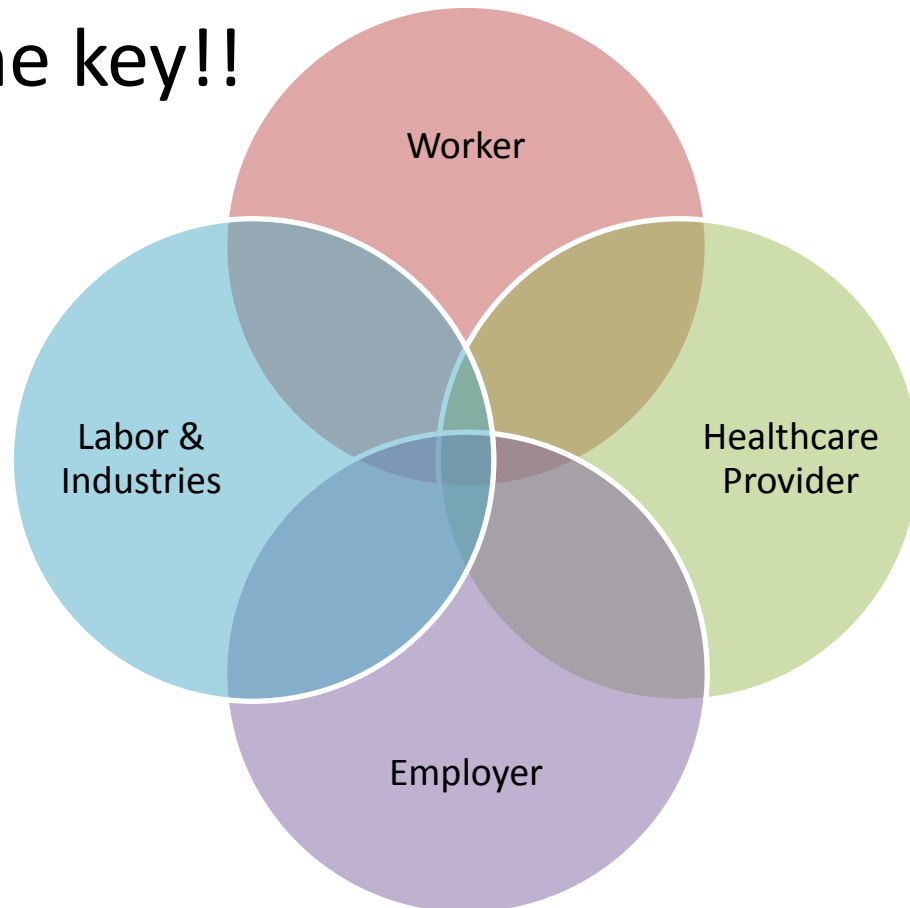
- **Written Policy Statement**
 - Signed by President/CEO/Management
- **Written Procedures**
 - Who, What, When, Where, Why & How
- **Ongoing Education**
 - Eliminates surprises and misunderstanding
- **Communication**



Return to Work Incentives



Communication is the key!!



Return to Work Incentives



Due to scheduled maintenance, you may experience an interruption while using our website from 5 to 6 p.m. We apologize for any inconvenience.



Cabinet maker fined \$100K+ for health violations

For Business

For Workers

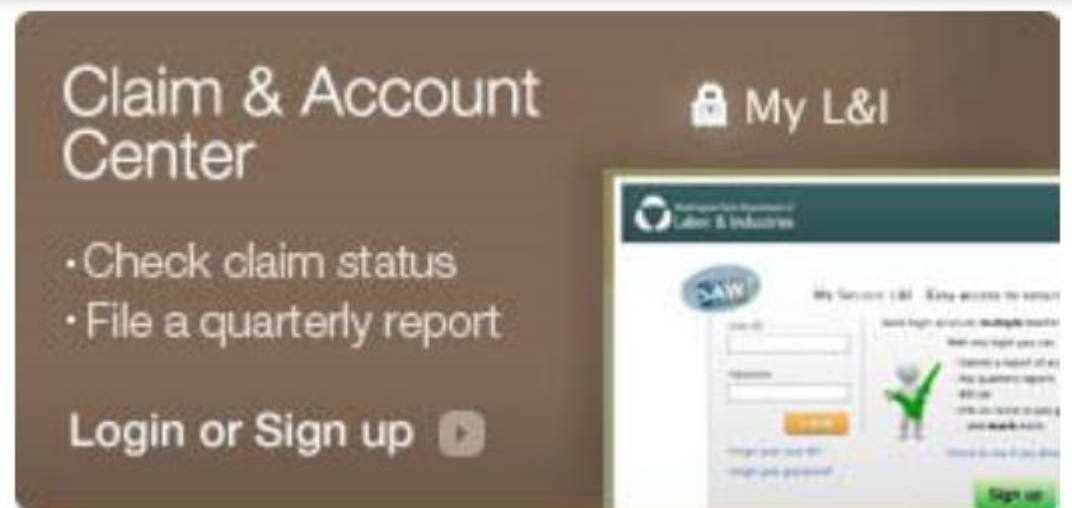
For Medical Providers

- Find a Law (RCW) or Rule (WAC)
- Get a Form or Publication
- Report Fraud
- About L&I
- News & Data Center

- What to do if your employees are injured
- Find a safety rule
- File a Quarterly Report
- Find safety training materials
- Permits and inspections

- Workers' comp claims
- Find out about breaks
- Learn workplace safety requirements
- Understanding overtime pay
- Minimum wage

- Fee schedules
- Get authorization
- Treating patients
- Check claim status
- Provider billing & payment



Return to Work Incentives



Worklessness

- Injured workers who are off longer than 6 months have only a 50% chance of ever returning to their job.
 - 2-3 times the risk of poor health
 - 2-3 times the risk of mental illness
 - Significant increased risk of depression
 - Significant increase in overall mortality rate
- Long term “worklessness” carries more risk to health than many “killer diseases” and more risk than most dangerous jobs. (e.g. construction, working on an oil rig)**

**SUICIDE
CALL**

Askjan.org



Where is “Light Duty” found?

- What tasks are not being performed now?
- What tasks are performed occasionally?
- What tasks, if completed by the injured worker, would free other employees to do their jobs more efficiently?
- **INCLUDE EMPLOYEES IN THE DEVELOPMENT!!**

- Job Accommodation Network
- www.askjan.org



STAY AT WORK Program



Stay at Work Program

A legislatively mandated (EHB 2123) program providing financial incentives for ***State Fund Employers*** providing light duty or transitional work to employees recovering from on-the-job injuries.

RCW: 51.32.090

WAC: 296-16A

STAY AT WORK Program



- The worker is cleared by the provider as able to work at a job other than their usual work
 - The employer furnishes a statement describing the work available
 - The provider determines whether the worker is physically able to perform the work described
 - The worker begins the work with the employer.
- L&I will use the date the employer submits the **job description** to the provider as the first date considered for Stay at Work reimbursements.*
- The medical provider must still approve the job for reimbursements to be paid.*

STAY AT WORK Program



Employers Job Description

- The **job description** must be in writing.
- The light duty or transitional work must be **approved** by the attending health care provider to qualify for reimbursement.
- The attending health care provider can indicate on the completed **activity prescription form** that they approve or deny the written **light duty job description** sent to them by the employer.
- The employer will need to provide a copy to the injured worker.

Employer's Job Descrp Form


Employer & Worker Information 

Essential Task Duties 

Physical Demands 

Attending Healthcare Provider 

Department of Labor and Industries
Physician Billing codes
Review of Job Analysis and Job Description
1038M-Limit one per day
1028M-Each additional review, up to five per worker per day

**EMPLOYER'S JOB DESCRIPTION**
☐ Job of Injury ☐ Permanent Modified Job
☐ Light duty/Transitional

Job Title		Claim #
Employer		Claimant
Phone #		Date
Completed by		Title
Employer (Please print)	Days per week	Hours per day
Employer Signature	Location of Job	

Essential Job Duties

Machinery, tools, equipment and personal protective equipment. (Please submit MSDS if appropriate.)

Frequency Guidelines
N: Never (not at all) S: Seldom (1-10% of the time) O: Occasional (11-33% of the time)
F: Frequent (34%-66% of the time) C: Constant (67%-100% of the time)

Physical Demands	Frequency	Description of Task (Please limit to 55 characters)
Sitting		
Standing		
Walking		
Driving		
Lifting: ()lb.		
Carrying: ()lb.		
Pushing/Pulling: ()lb.		
Climbing Stairs/Ladders		
Bending		
Twisting at Waist		
Kneeling		
Crouching		
Crawling		
Squatting		
Reaching Out		
Reaching above Shoulder		
Repetitive Motion		
Handling/Grasping		
Fine Finger Manipulation		
Comments/Other		

FOR PHYSICIAN USE ONLY

Physician Approval ☐ No ☐ Yes ☐ Full-Time ☐ Part-Time Hours per week _____

If no, please provide objective medical documentation to support your decision:

Effective Date _____

Date	Physician Signature	Physician Name
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STAY AT WORK Program



Kept on Salary = KOS Loss of Earning Power = LEP

- The employer can apply for reimbursement **ONLY** for the hours the employee is **ACTUALLY working** light duty.
- You will need to keep track of the hours the worker is working light duty and provide that documentation to us.
- An injured worker can be entitled to Loss of Earning Power.

STAY AT WORK Program



- **Pays**
 - 50% of base wage
 - Excluding tips, commissions, bonuses, board, housing, fuel, health care, dental care, vision care, per diem, reimbursement for work-related expenses or any other payments.
 - Includes shift differential and overtime.
- **For**
 - Up to *66 days actually worked (not necessarily consecutive)*
 - Up to \$10,000 (whichever comes first.)
 - 24-month period per claim
- **And**
 - Employer has 1 year to apply from first day of light duty or transitional work.
 - Reimbursements are per claim.

STAY AT WORK Program



For training necessary for the light duty or transitional work

- \$1,000
- Tuition
- Books
- Fees
- Other necessary materials



STAY AT WORK Program



Clothing

- \$400 per claim
- Becomes property of the worker



STAY AT WORK Program



Tools & equipment

- \$2,500 per claim
- Tools and equipment become the property of the employer



STAY AT WORK Program



Required documentation

- Health care provider's **written** certification that the worker is unable to do usual job.
- A written **job description** of light duty or transitional work.
- **Approval** by the attending health care provider that the worker is physically able to perform the light duty or transitional work described.
- **Payroll records** and **Time Cards** for duration of light-duty or transitional work.
- **Receipts** for tools, clothing and instruction purchased that were necessary for the light duty or transitional work

STAY AT WORK Program



Have questions about Stay at Work?

Visit our website at:

www.stayatwork.lni.wa.gov

E-mail the Stay at Work Unit at:

stayatwork@lni.wa.gov

Call the Stay at Work Unit at:

1-866-406-2482 or 360-902-4411



Preferred Worker Program



- The Preferred Worker Program is one of L&I's return-to-work incentive programs.
- A worker with a permanent medical restriction may be certified as a “preferred worker.”
- This certification enables an employer to receive financial incentives when they hire the worker for a medically-approved, long-term job.

Preferred Worker Program - Success Story



Preferred Worker Program



Who can be certified as a Preferred Worker?

- Must have an **open STATE FUND INSURED CLAIM** that results in a Permanent Disability which may be a substantial obstacle to employment.
- Must have a **Physical or Mental condition** caused by an Industrial Injury or Occupation Disease
(is) Fixed and Stable
(and) Further recover is not expected

Preferred Worker Program



Permanent Disability is defined as:

- A **permanent loss of physical or mental function**, caused by the industrial injury or occupational disease from which, within the limits of medical probability, **further recovery is not expected**; and
- The worker's **healthcare provider** has permanently restricted the injured worker from returning to the **job-of-injury**; and
- The work restrictions are supported by medical findings appropriate to the worker's physical or mental condition.

Preferred Worker Program



Substantial Obstacle to Employment

The Worker is:

- Unable to perform at least one (1) **essential function** of the Job of Injury **or** the Department finds worker eligible for **Vocational** Retraining restricted to a **lower** category of work.

Preferred Worker Program



Who can certify a Preferred Worker?

- **Only a department employee with authority to do so may certify a worker as a preferred worker.**

Preferred Worker Program



Who decides that the job meets the preferred worker's medical restrictions?

- A credentialed **vocational** rehabilitation professional, and
- The injured worker's **health care provider**, which could be:
 - The attending provider
 - The currently primary care provider, or
 - In cases of mental health condition, the treating psychiatrist or psychiatric advanced registered nurse practitioner or treating psychologist.

Preferred Worker Program



How long does Preferred Worker Certification last?

- **Thirty six (36) consecutive month within medically approved work.**
Begins the first date certified worker actually returns to a medically approved job.
Ends no later than five (5) years after claim closure.
- **If Thirty six (36) months has ended, worker may be eligible for “preferred worker” certification under a subsequent claim.**

Preferred Worker Program



Which employers are eligible to benefit from the Preferred Worker Program?

- A Washington **State fund** employer with an industrial insurance account in good standing with L&I, as outlined in Chapter 296-17-31004(4) WAC; or
- A **self-insured** employer who employs a worker who is certified as a preferred worker under a State Fund claim.

Preferred Worker Program



What must an employer do to qualify for benefits when hiring or reemploying a preferred worker?

- The job will continue to be available into the **foreseeable future**, and is confirmed as **consistent** with the worker's **permanent work restrictions** as outlined in WAC 296-16-145, and
- **addresses a business need** or provides economic value to the employer.

Preferred Worker Program



Employer Benefits - unchanged

If you employ a preferred worker who is injured on the job or diagnosed with an occupational disease during the preferred worker certification period, **L&I will pay the costs** of the new claim with no direct cost or penalty to you.

The costs for the new claim will not be charged against your account, and the **new claim will not affect your experience rating.**

Preferred Worker Program



Employer Benefits - unchanged

- Employer is not responsible for new injury claims during Preferred Worker Period
- Employer does not pay accident or medical aid premiums for worker during Preferred Worker Period
- Only Supplemental Pension Fund premiums need to be paid.
- The hours worked by the preferred worker must be reported in the risk class **7204**.

Preferred Worker Program



Employer Benefits – Premium Relief

If you are a self-insured employer:

- **Once reimbursed by L&I, you may deduct the amount of preferred worker claim cost reimbursements on your next self-insured quarterly report.**
- **If you are a self-insured employer, you may ask L&I to reimburse you for the claim costs when the claim is ready for closure.**
- **Supplemental pension and asbestos assessments need to be paid.**

Preferred Worker Program



Employer Benefits – enhanced (effective 1/1/2016)

The expanded preferred worker incentives are available to an eligible employer who hires a certified as a preferred worker on or after the effective date of January 1, 2016.

Preferred Worker Program



Employer Benefits – enhanced

Eligible Employers may be reimbursed *(for)*

- **50%** of basic gross wages for work performed in a new or modified medically-approved job.
- Reimbursements are paid on wages up to **66** days within 24 month period, not to exceed **\$10,000**
- Basic gross wages **do not** include:
 - Tips, commissions, or bonuses
 - Board or housing
 - Fuel, per diem, and/or other work related expenses
 - Health, dental or vision care
 - Any other payments to the injured worker

Preferred Worker Program



Employer Benefits – enhanced

Eligible Employers may be reimbursed (*for*)

- **Up to \$2,500 for equipment & tools**
 - **Examples: special wrench, one-handed keyboard, rolling cart or bag, anti-vibration tool wrap, light-weight ladders, or text magnifiers**
- **The Department will not reimburse for equipment & tools that the employer would normally supply its workforce.**
- **To be reimbursed, you need to purchase the equipment & tools:**
 - **After you offer the worker the job **and****
 - **No earlier than 60 days before the first date of the preferred worker's employment.**
- **Equipment & tools become the property of the employer**

Preferred Worker Program



Employer Benefits – enhanced

Eligible Employers may be reimbursed *(for)*

- **Clothing – up to \$400 per claim**
 - **Examples: steel-toes boots, anti-vibration gloves, heated coat, or office-appropriate attire.**
- **The Department will not reimburse for uniforms or clothing provided to the worker that the employer would normally supply its workforce.**
- **The clothing becomes the property of the preferred worker.**

Preferred Worker Program



Employer Benefits – enhanced (effective 1/1/2016)

“Continuous Employment” incentive

- **Employer continuously employs worker for 12 consecutive months without a reduction in base wages.**
- **Maintains same work pattern as medically approved job.**
- **12 months begins the date the worker is certified as a preferred worker or the first date of employment, whichever is later.**

Preferred Worker Program



Employer Benefits – enhanced (effective 1/1/2016)

“One Time Payment”: The LESSER amount

- 10% of workers wages (OR)
- \$10,000

All documentation must be submitted within one (1) year of the date the 12 months ended.

Preferred Worker Program



When do the benefits start and end?

Benefits can start the worker's first workday after **ALL** the required completed paperwork is received by L&I, and can last:

- Throughout the preferred worker's certification period **or**
- Until the preferred worker leaves your employment, whichever comes first.

Preferred Worker Program



What documents are required for the PWP Reimbursements?

- A copy of the completed job analysis or L&I's job description form, approved by the worker's health care provider, Certified Vocational Professional, and
- The job offer, **signed by the worker**, and
- L&I's Preferred Worker Request Form, available on L&I's website, completed and signed by the employer.

Preferred Worker Program



Have questions about Preferred Worker?

Visit our website at:

Lni.wa.gov/PreferredWorker

E-mail the Stay at Work Unit at:

PrefWorkerProg@LNI.WA.GOV



Call the Preferred Worker Unit at:

1-800-845-2634

Return to Work Incentives



Many Thanks!

