
Labor & Workforce Development Committee

HB 1887

Brief Description: Increasing educational options under vocational rehabilitation plans.

Sponsors: Representatives Sawyer, Ryu, Green and Freeman.

Brief Summary of Bill

- Provides that obtaining a baccalaureate degree may be considered a priority under an injured worker's vocational rehabilitation plan.
- Allows an injured worker under a plan approved after January 1, 2008 to apply vocational benefits towards paying tuition at a baccalaureate institution under certain circumstances.
- Extends the expiration date of the Vocational Rehabilitation Pilot Program from June 2013 to June 2016.

Hearing Date: 2/20/13

Staff: Trudes Tango (786-7384).

Background:

One of the primary purposes of the Industrial Insurance Act is to enable injured workers to become employable at gainful employment. The Department of Labor and Industries (Department) pays, or directs self-insurers to pay, the costs of vocational rehabilitation services when these services are necessary and likely to enable the injured worker to become employable at gainful employment.

Vocational rehabilitation generally must be within the allowable plan approved by the Department and based on specific return-to-work priorities listed in statute. The top priorities are to return the worker to his or her previous job with the same employer, or to a modified job with the same employer, or to a new job with the same employer. Priorities after that include

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modification of the previous job with a new employer, a new job with a new employer, self-employment based on transferable skills, self-employment involving on-the-job training, or short-term retraining and job placement.

In 2007 the Legislature created a Vocational Rehabilitation Pilot Program for vocational rehabilitation plans approved between January 1, 2008 and June 30, 2013. The pilot program, which is scheduled to end June 30, 2013, increases benefits for vocational rehabilitation, extends the length of time for vocational rehabilitation plans, and gives injured workers a choice of either participating in the approved plan or declining participation and receiving six months' worth of time-loss benefits plus access, for a limited time, to vocational benefits to pursue self-directed vocational training.

Summary of Bill:

In the sole discretion of the Department, a priority for the worker's vocational rehabilitation may include the worker obtaining his or her baccalaureate degree if: (1) the degree would make the worker employable; (2) it is consistent with the worker's occupational goals before the worker was injured; and (3) the worker was in a baccalaureate degree program before being injured.

The vocational rehabilitation plan may include provisions allowing the worker to apply vocational benefits towards paying tuition at a baccalaureate institution if the vocational professional determines that the worker has the mental, physical, and financial capability to attend the baccalaureate institution of the worker's choice. If the vocational costs are insufficient to pay for the full cost of tuition, books, and other expenses, the worker must provide documentation showing that he or she has the financial ability to pay the remaining expenses.

These provisions apply retroactively to plans approved after January 1, 2008. Subject to rules adopted by the Department, a worker may request a modification to his or her plan based on the priority established by the bill.

The Vocational Rehabilitation Pilot Program is extended to June 30, 2016.

Appropriation: None.

Fiscal Note: Requested on February 14, 2013.

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