

HOUSE BILL REPORT

EHB 1887

As Passed Legislature

Title: An act relating to increasing educational options under vocational rehabilitation plans.

Brief Description: Ordering consideration of increased educational options under vocational rehabilitation plans.

Sponsors: Representatives Sawyer, Ryu, Green and Freeman.

Brief History:

Committee Activity:

Labor & Workforce Development: 2/20/13, 2/21/13 [DP];

Appropriations Subcommittee on Health & Human Services: 2/25/13 [DP].

Floor Activity:

Passed House: 3/11/13, 95-2.

Passed Senate: 4/17/13, 48-0.

Passed Legislature.

Brief Summary of Engrossed Bill

- Requires the Vocational Rehabilitation Subcommittee to consider options that would allow injured workers to attend baccalaureate institutions under their vocational rehabilitation plans, and requires the subcommittee to report recommendations to the Legislature by December 2013.

HOUSE COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT

Majority Report: Do pass. Signed by 6 members: Representatives Sells, Chair; Reykdal, Vice Chair; Manweller, Ranking Minority Member; Green, Moeller and Ormsby.

Minority Report: Do not pass. Signed by 3 members: Representatives Condotta, Assistant Ranking Minority Member; Holy and Short.

Staff: Trudes Tango (786-7384).

HOUSE COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON HEALTH & HUMAN SERVICES

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: Do pass. Signed by 6 members: Representatives Morrell, Chair; Cody, Green, Jinkins, Kagi and Ormsby.

Minority Report: Do not pass. Signed by 3 members: Representatives Harris, Ranking Minority Member; Ross and Schmick.

Staff: Mary Mulholland (786-7391).

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.

The injured worker's vocational rehabilitation generally must be within the allowable plan approved by the Department and based on specific return-to-work priorities listed in statute. Priorities include returning the worker to the previous job or a new job with the same employer, placing the worker with a new employer, self-employment based on transferable skills, or retraining.

In 2007 the Legislature created a Vocational Rehabilitation Pilot Program for vocational rehabilitation plans approved between January 1, 2008, and June 30, 2013. Among other things, the pilot program created the Vocational Rehabilitation Subcommittee made up of representatives from business and labor. The subcommittee provides input and oversight of the pilot program and makes recommendations to the Department and the Legislature on any statutory changes needed.

Summary of Engrossed Bill:

The Vocational Rehabilitation Subcommittee must consider options that, under limited circumstances, would allow injured workers to attend baccalaureate institutions under their vocational rehabilitation plans. By December 31, 2013, the subcommittee must provide recommendations to the Department and the Legislature on statutory changes needed to develop these educational options.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony (Labor & Workforce Development):

(In support) The intent of the Department is to get people back to work, but sometimes it makes sense to allow a worker to finish school at a university instead of going to a

community college. An injured worker should be allowed to apply vocational rehabilitation funds to a bachelor degree program. The options the Department gives to an injured worker are not always appropriate options.

(With concerns) This bill highlights the challenges with the vocational rehabilitation program. It is disconcerting to consider changes to the vocational rehabilitation program that have not been fully vetted by the Vocational Rehabilitation Subcommittee. The bill changes the goals of vocational rehabilitation from employability to reaching one's educational goals. The bill is retroactive so it will bring in a lot of other cases and that might create liability for the Department. This bill touches on public policy concerns that require further vetting. There is nothing in the bill that requires the worker to pay the remaining tuition. If the worker fails to complete the plan, this could result in an extension of benefits. The subcommittee should look into this issue and analyze the impacts of this proposal.

(Opposed) None.

Staff Summary of Public Testimony (Appropriations Subcommittee on Health & Human Services):

(In support) This is a constituent bill from a gentleman who was concerned about where he was going with his claim. The current vocational rehabilitation program only allows for a community college pathway, and that is not what this particular worker wanted to do with his life. This worker wanted to go to a four-year university to train for a competitive field, and that was not an option available to him. This bill provides an option for times when it makes sense for someone to use their vocational money towards a four-year degree. There should be more flexibility in vocational rehabilitation plans. Ultimately, individuals and the state could make more money.

(Opposed) None.

Persons Testifying (Labor & Workforce Development): (In support) Representative Sawyer, prime sponsor; and Christian Norris.

(With concerns) Kris Tefft, Association of Washington Business; and Vickie Kennedy, Department of Labor and Industries.

Persons Testifying (Appropriations Subcommittee on Health & Human Services): Representative Sawyer, prime sponsor.

Persons Signed In To Testify But Not Testifying (Labor & Workforce Development): None.

Persons Signed In To Testify But Not Testifying (Appropriations Subcommittee on Health & Human Services): None.