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**Labor & Workplace Standards  
Committee**

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**HB 1137**

**Brief Description:** Creating equitable access to return-to-work opportunities in workers' compensation.

**Sponsors:** Representatives Mosbrucker, Berry, Reed, Lekanoff, Bergquist, Wylie, Pollet and Ormsby.

**Brief Summary of Bill**

- Expands the Stay at Work Program by allowing employers to offer off-site light duty work with third party nonprofit organizations approved by the Department of Labor and Industries.

**Hearing Date:** 1/17/23

**Staff:** Kelly Leonard (786-7147).

**Background:**

Workers who are injured or disabled in the course of employment are entitled to certain benefits through the workers' compensation program, administered by the Department of Labor and Industries (L&I). Benefits may include medical costs, temporary time-loss, vocational rehabilitation benefits, and permanent disabilities benefits.

A worker has a temporary total disability when an injury or occupational disease temporarily and totally disables his or her ability to return to work. However, in the instance of a temporary total disability, the employer may facilitate the injured worker's return to work by providing light duty or transitional work approved by a physician or licensed advanced registered nurse practitioner.

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

The employer of injury may request a worker be certified for light duty or transitional work by a physician or licensed advanced registered nurse practitioner. The physician or licensed advanced registered nurse practitioner must assess the injured worker's physical ability to perform the work described by the employer. If the light duty or transitional work would impede the worker's recovery, the provider cannot approve it, and in cases where it was previously approved, the worker should not continue with the work. If the provider approves the injured worker's return to light duty or transitional work, the employer may assign only work approved by the provider.

Through the Stay at Work Program, the state provides wage subsidies and other incentives to employers insured through L&I who provide light duty and transitional work to injured workers. If an employer facilitates a return to light duty or transitional work, the employer is eligible to be reimbursed for the cost of:

- 50 percent of the basic, gross wages paid for the light duty or transitional work, for a maximum of 66 work days within a consecutive 24 month period, up to \$10,000;
- tuition, books, fees, and materials required for any training or instruction necessary for the injured worker to be qualified for the light duty or transitional work, up to \$1,000;
- clothing necessary for the performance of the light duty or transitional work, up to \$400; and
- tools or equipment necessary to perform the light duty or transitional work, up to \$2,500.

### **Summary of Bill:**

An employer may offer off-site light duty work with a nonprofit organization approved by L&I to an injured worker with a temporary total disability. Any offer of off-site light duty work is subject to the same requirements for on-site light duty work, including the review and approval of a physician or advanced registered nurse practitioner. If off-site light duty work is approved, the employer of injury remains accountable for all reporting requirements, and is responsible for any new injury or occupational disease incurred while the worker is on off-site light duty work. The employer of injury is eligible for reimbursements through the Stay at Work Program.

An injured worker may reject an off-site light duty work offer if the mission of the nonprofit conflicts with the worker's fundamental religious or faith beliefs. If an injured worker accepts an offer of off-site light duty work, he or she does not forfeit any protections afforded to him or her through the workers' compensation program.

In approving nonprofit organizations for off-site light duty work, L&I may contract with one or more established return-to-work employment agencies.

**Appropriation:** None.

**Fiscal Note:** Requested on January 12, 2023.

**Effective Date:** The bill takes effect on January 1, 2024.