

**WAC 296-16-150 What benefits can an eligible employer receive from the preferred worker program?** (1) In the sole discretion of the supervisor of industrial insurance or the supervisor's designee, an eligible employer, insured through the state fund or self-insured, may receive benefits shown in the table below:

A preferred worker certified on or after January 1, 2016, who is hired by:		
Employer	State Fund employer (pays premiums to L&I)	Self-insured employer
(a) Wage, clothing, and equipment reimbursements specified in subsection (2) of this section. (b) Continuous employment incentive specified in subsection (3) of this section.	<b>X</b>	<b>X</b>
(c) Does not pay accident fund and medical aid fund premiums for hours worked by the preferred worker. (d) Will not have the cost of any new claim filed by that preferred worker charged to their experience rating.	<b>X</b>	
(e) Receives reimbursement from the second injury fund for all benefits paid on any new claim filed by that worker during the certification period.		<b>X</b>

(2) An eligible employer, insured through the state fund or self-insured, may be reimbursed for the following expenses actually incurred while employing a preferred worker who was certified on or after January 1, 2016, at work approved under WAC 296-16-145, performed during the worker's certification period:

(a) Fifty percent of basic gross wages paid to the worker for the work actually performed, for up to sixty-six days in a twenty-four month period and a maximum of ten thousand dollars per worker certification period.

(i) Basic gross wages means the basic hourly wages or salary. Basic gross wages do not include tips, commissions, bonuses, board, housing, fuel, health care, dental care, vision care, per diem, reimbursements for work-related expenses, or any other payments.

(ii) A partial day worked counts as one day. Example: The worker works a four-hour shift. This counts as one day out of the sixty-six.

(iii) If the worker's single shift spans two calendar days, that shift counts as one day. Example: The worker's single shift starts at 10:00 p.m., November 14th, and continues until 6:30 a.m., November 15th. This counts as one day out of the sixty-six.

(iv) The sixty-six days do not have to be consecutive.

(v) The employer may choose which sixty-six days to seek reimbursement for.

(vi) The employer cannot be reimbursed for dates the employer employed the worker that are more than twenty-four months after the earliest day the department has already reimbursed on the claim. Example: The first work date for which the employer was reimbursed was February 1, 2016. The twenty-four month eligibility period ends January 31, 2018.

(vii) The employer must submit the request for reimbursement within one year of the date the work was performed.

(viii) The employer must submit to the department documentation such as payroll records and time cards that verify the dates worked and basic gross wages paid.

(b) Clothing the employer purchased for the worker, necessary to perform the medically approved work, up to four hundred dollars per worker certification period.

(i) The department will not reimburse the employer for any clothing the employer provided to the worker that the employer normally provides to its workers.

(ii) When the work ends, the clothing belongs to the worker.

(iii) The employer must submit the request for reimbursement within one year of the date of purchase, and include itemized receipts.

(c) Tools and equipment the employer purchased to enable the worker to perform the medically approved work, up to two thousand five hundred dollars per worker certification period.

(i) The department will not reimburse the employer for any tools and equipment the employer provided to the worker that the employer normally provides to its workers.

(ii) The employer cannot be reimbursed for tools and equipment purchased prior to offering the job to the worker.

(iii) When the work ends, the tools and equipment belong to the employer.

(iv) The employer must submit the request for reimbursement within one year of the date of purchase, and include itemized receipts.

(3) An eligible employer who continuously employs a certified preferred worker at the medically approved job without reduction in base wages for at least twelve consecutive months, beginning on or after January 1, 2016, may receive a one-time continuous employment incentive payment at the sole discretion of the supervisor of industrial insurance or the supervisor's designee.

(a) The twelve months begin the date the worker is certified as a preferred worker or the first date of employment, whichever is later.

(b) For purposes of this section, "continuous employment" is defined as maintaining the same work pattern as the medically approved job date of hire. "Same work pattern" generally refers to the number of hours worked per week and the worker's primary shift, for example, days, swing, or graveyard shift, as long as total hours are not reduced. For example, a farm laborer returns to approved work as an employee in the farm's retail outlet, Monday through Thursday, 8:00 a.m. to 4:00 p.m., thirty-two hours per week. A month later, the schedule changes to Tuesday through Friday, 8:00 a.m. to 4:00 p.m., thirty-two hours per week. The work pattern is the same as the medically approved job date of hire. However, a change to shift hours that are 4:00 p.m. to midnight may be a change in work pattern.

(c) "Without reduction" means the worker receives the same base wage or greater from the date of hire throughout the twelve-month pe-

riod. In addition, the employer must continue any health care benefits the certified preferred worker had at the time of hire, unless these benefits are inconsistent with the employer's current benefit program for workers.

(d) The one-time payment is equal to the lesser of ten percent of the worker's wages or ten thousand dollars. Wages for the one-time payment include commissions and bonuses paid, but do not include tips, board, housing, fuel, health care, dental care, vision care, per diem, reimbursements for work-related expenses, or any other payments.

(e) Only one continuous employment incentive is payable per worker certification period.

(f) The employer must submit the request for the continuous employment incentive within one year of the date the twelve months ended.

(4) If the department receives a valid reimbursement or incentive request from different employers within the same worker certification period, the requests will be paid in the order received by the department up to the limits described.

(5) The employer cannot be reimbursed under both the stay at work and preferred worker programs for the same dates worked or expenses incurred.

[Statutory Authority: RCW 51.04.020, 51.04.030, and 2015 c 137. WSR 16-13-116, § 296-16-150, filed 6/21/16, effective 7/22/16. Statutory Authority: RCW 51.04.010, 51.04.020 and 2004 c 258. WSR 05-01-105, § 296-16-150, filed 12/15/04, effective 1/15/05.]