

Options for vocational assistance

EAIP Program:

- I. Allow reimbursements to employers when employers and workers agree to placement at a training facility as an alternative to light duty. This option would allow EAIP to be used to jump start vocational assistance when it appears likely the worker will never be able to return to regular work. As an example, a worker could work on a GED or take an immersion program in English as a second language. **Participants at the 2/18 forum were interested in this concept, though noted that there may need to be an increase in the allowance for tuition.**
- II. Tweaks to the program might include rule changes to make it easier to string together periods of light duty into a single EAIP program. **Participants at the 2/18 forum indicated it would be very helpful to be able to string together periods of light duty for up to 90 days within the year after injury. Often doctors neglect to submit continuing releases timely, and under the current system, each time this happens, the employers need to begin over again.**
- III. Policy makers might also want to consider the benefits of either expanding the program through greater outreach, or limiting usage to free up funds for other purposes.
- IV. **Participants in the 2/18 forum also suggested providing an allowance to insurers to provide training/outreach because lack of knowledge seems to be the greatest obstacle to program usage.**

Preferred Worker Program:

- I. Current statute does not specifically allow benefits directly to injured workers, but rather to employers who employ them. While historically benefits, such as Obtained Employment Purchases, have been made directly on behalf of Preferred Workers, any proposal to expand such benefits should be supported by a statutory change to make it clear these payments can be made.
- II. Provide some type of placement assistance to Preferred Workers in order to increase employment and program usage for Preferred Workers who do not receive vocational assistance.
- III. Allow the employer at injury an opportunity to activate the benefits of this program. If the worker does not remain with the employer at injury throughout the premium exemption period (three years), allow the worker full access to the program's benefits. NOTE: Our survey shows that a lot of workers are not even aware they can use their benefits with the EAI.
- IV. In conjunction with #III above, consider allowing a fractional factor (for example, $\frac{1}{2}$) in computing the work disability benefit workers will get as part of their permanent disability award if the worker cannot perform regular work but has returned to suitable modified work with the employer at injury. (Possibly this could be reversible if employment terminated prior to the three year premium exemption program)
- V. Workers who are eligible for vocational assistance are automatically made Preferred Workers to encourage total integration of the two programs. NOTE: The majority of eligible workers are also Preferred Workers. This would assure it always is true.

Vocational Assistance:

- I. Beginning in 2005, workers who have permanent disability will be eligible for an impairment benefit and for those unable to return to regular work, a work disability benefit. **Allow the work disability benefit to help defray the costs of vocational assistance to eligible workers.**

- Under the current system, workers who are in training receive time loss to cover living expenses while they are in training. (If they are receiving an unscheduled permanent disability award, payments are suspended during training and resume after training is completed.)
- Many workers receive little or no permanent disability award because of offsets for time loss. Many workers have no income while they are waiting for training to begin, or even while they are waiting for their eligibility to be determined. (In 1997 system review showed that 26% of eligibility evaluations were completed late or not at all. **NOTE:** WCD is currently conducting a study which preliminarily suggests this problem still exists, and may be worse.)
- If the work disability benefit was used to support training and if the time loss allowance became due to workers in training only after the work disability benefit was paid out, workers and employers would both benefit:
 - Employers benefit because workers would help defray some of the costs of training.
 - Workers benefit because insurers would have an incentive to determine eligibility and move workers into training programs as quickly as possible.
 - Other workers might also benefit if eligibility were extended to a few more workers because of the lowered costs per case.

NOTE: The 2/18 forum participants suggested an alternative of providing vocational assistance prior to claim closure, and then allowing a fractional factor to reduce the work disability benefit awarded at claim closure for those workers who have become suitably employed in new or modified occupations.)

II. Consider placing some conditions or options to CDAing vocational benefits:

- Require insurers to provide a vocational consultation prior to CDAing vocational benefits so that the worker can consider a return to work strategy.
- Allow options such as school vouchers in lieu of a cash settlement; or cash and counseling to support a self-employment venture.

Work Disability Benefit: See discussions above. Consider tying vocational eligibility into the same three year premium exemption period as discussed in the Preferred Worker section. Since the employer may achieve significant benefit from providing modified work, this would provide protection to the worker if it does not work out through no fault of the worker.

OTHER: Modified Massachusetts Model. In Massachusetts, the department determines vocational eligibility. If the worker is found eligible, the insurer has to provide services, but can contest the finding. If the insurer prevails, the department repays the insurer all costs of the vocational program. A modified Oregon approach would be to allow insurers to determine eligibility, but if WCD finds a worker eligible through the dispute resolution process, the insurer provides services while it contests the finding, and would be reimbursed if it ultimately prevails through litigation. This would allow prompt services to workers who ultimately are eligible for services, but would limit liability to insurers for services provided to non-eligible workers. Of course the system ultimately pays for the services erroneously provided to non-eligible workers.