

PREFERRED WORKER Adviser

Autumn 2000

Information for Preferred Workers who haven't yet used their return-to-work incentives

Injury-caused limitations may justify worksite modification for regular work

by David Onheiber

Did you know that Preferred Workers who are released for, or who return to, regular work* may be eligible for worksite modification help? Preferred Workers who return to regular work may also receive obtained employment purchases and may offer their employers premium exemption and wage subsidy. Here is how it works.

Usually, workers who return to regular work are not eligible for help from the Preferred Worker Program. However, sometimes a worker is released for regular work with limitations and is not able to do the regular job unless equipment is provided or the work process is changed so that the worker can perform the job within the in-

jury-caused permanent limitations identified by a medical care provider.

A Preferred Worker and an employer who need equipment so that the worker can perform the regular job within the injury-caused permanent limitations may be eligible for worksite modification. You may contact the Preferred Worker Program offices in Salem

(Continued on Page 2)

Success Story

by Bruce Friedrichsen

Lindy, a 36-year-old woman, suffered right arm and wrist injuries secondary to repetitive trauma, working as a highway maintenance specialist. She was released to her job-at-injury with permanent restriction to occasionally lifting up to 10 pounds with her right arm and significant limitation of repetitive use of her right wrist. Although her left hand is dominant, many tasks required the use of both hands. Without substantial modification, she could not return to her regular work.

Lindy's regular job required her to do a variety of highway maintenance duties, including removing and replacing posts, installing truck tire chains, operating a roller, changing snow plow bits, driving and operating a truck with sander and plow controls (using her right hand), removing storm catch-basin grates and cleaning out basins, removing "road kill", placing and retrieving safety cones, paving, pot-hole patching, etc.

With Lindy's permanent restrictions, she couldn't operate the sander/plow due to the location of the controls; she was unable to change the plow bits; she couldn't pry and lift catch-basin grates; she was unable to remove heavy objects to clear the road; and she couldn't manually pound or pull roadside posts.

The Preferred Worker Program approved funding for the following modifications to accommodate Lindy's permanent restrictions: a truck mounted lift crane, a hydraulic power unit, a hydraulic roadside post driver and puller, automatic tire chains for the truck used for sanding and plowing, a hydraulic tailgate lift, a lift chain with J-hooks used with the lift crane to remove the catch-basin grates, an adjustable seat for the roller allowing the worker to drive with her left hand, a transmission jack modified by the employer with fabricated components that customized the unit to serve as a plow bit holder/mover, and employer modified sander/plow/

dump box control levers. The employer also eliminated duties that could not be modified mechanically such as handling the traffic safety cones. The worksite modification cost \$24,194.

Lindy told the reemployment consultant she was particularly pleased with the equipment to perform roadside post installation and removal.

"I'm not wiped out at end of the day anymore," she said.

She also said that all the modifications allow her to continue to do the work that she loves to do. The employer was pleased to be able to keep a valued employee on the job.

Since the modifications are considered "substantial," the worker became an eligible Preferred Worker and was able to offer benefits of premium exemption and wage subsidy to her employer. ■

Injury-caused limitations *(Continued from Page 1)*

or in Medford. A re-employment consultant will review your request. If you and the employer qualify for help, the consultant will work with you to determine what modifications are needed.

You may request premium exemption, wage subsidy, and obtained employment purchases when you return to your regular job and the job has been modified or needs to be modified because of your injury-caused permanent limitations.

A re-employment consultant will determine whether the modification is "substantial modification," meaning that it changes how the worker performs essential job duties, reduces the physical exertion required, or affects the employer's work process. If so, you and the employer may be eligible to receive additional Preferred Worker Program assistance.

Even when no tools or equipment are provided, the consultant may determine that the job has been substantially modified through job-duty changes or other actions

the employer takes to bring the job within the worker's limitations.

In summary, regular work that must be modified to allow a worker to perform the job within the worker's injury-caused limitations may qualify the worker and employer for Preferred Worker Program worksite modification assistance. Regular work that is substantially modified, as determined by the re-employment consultant,

may qualify the worker and employer for premium exemption, wage subsidy, and obtained employment purchases in addition to worksite modification.

*Regular work means the job the worker held at the time of injury or the job the worker held at the time of the claim reopening, or employment substantially similar in nature, duties, responsibilities, knowledge, skills, and abilities. ■

Meet Your Preferred Worker Program Reps

Jerry Rutherford is the lead re-employment consultant and has been with the Preferred Worker Program since 1992.

Jerry earned a bachelor's degree from the University of Oregon in 1965, joined the U.S. Navy, and served four years. After the Navy, Jerry was general manager of a company before becoming a State Farm Insurance agent. In 1976 he decided the workers' compensation field was where he wanted to be and, for the next several years, worked in safety and loss control. Jerry later worked as a private vocational counselor and helped resolve vocational assistance disputes for the Workers' Compensation Division before joining the Preferred Worker Program.

Jerry loves his job as a worksite modification consultant.

"For one thing I get paid to stand around and watch other people work," he said. "But seriously, I have seen how devastating an on-the-job injury can be to a worker and his or her family. I have been involved in hundreds of modifications that helped workers to get back on their feet. I am greatly rewarded when that happens, and I'm really happy that the Preferred Worker Program exists for workers in Oregon."

Jerry and his wife Sherry recently moved to Salem. They've been married 32 years and Jerry says Sherry is not only his wife but also his best friend. Jerry and Sherry are active in their church and love to walk on the beach and in the mountains. They have two grown children and a grandson.

Jerry's e-mail address is gerald.v.rutherford@state.or.us. ■

Administrator, Workers' Compensation Division

John Shilts

Editor, WCD Administration, Communications Unit

Billie Healy billie.j.healy@state.or.us

Phone (503) 947-7622

Contributors, Re-employment Assistance Unit, Benefits section

Bruce Freidrichsen bruce.c.friedrichsen@state.or.us

Christy Johnson christy.l.johnson@state.or.us

Tim Kessel timothy.j.kessel@state.or.us

Kerry King kerry.f.king@state.or.us

David Onheiber david.j.onheiber@state.or.us

Jerry Rutherford gerald.v.rutherford@state.or.us

Craig Sorseth craig.sorseth@state.or.us

Linda Strunk linda.k.strunk@state.or.us

Reemployment assistance

Salem office (800) 445-3948

Medford office (800) 696-7161

Web site address www.cbs.state.or.us/wcd

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Questions & answers

by Tim Kessel, Christy Johnson, and Linda Strunk

Q I have a potential employer who has started a new business and is in the process of obtaining workers' compensation coverage. How will this affect my benefits and use of the program with this employer?

A First, the employer must have an Oregon Workers' Compensation insurance policy before you can use your Preferred Worker Program benefits. If the employer doesn't have employees and wants to hire you as its first employee, it needs to purchase a workers' compensation policy. Have the employer call the National Council on Compensation Insurance, (800) 622-4123, to request an application for a "Preferred Worker" policy. The policy cost is about \$180 a year, which is not a premium — it's the cost of setting up the policy. The employer will not pay workers' compensation insurance premiums or premium assessments on you for up to three years from the date you start work.

WCD will not be able to provide services for you and your employer until the workers' compensation coverage is active.

Q I was offered a job in another state. Will the Preferred Worker Program help me relocate?

A Yes, we can help with your move. Here is what we need:

- A letter from the new employer, with the date you were offered the job and the date you started work.
- An Obtained Employment Purchase Agreement filled out by you and your employer. Include moving-company costs, signed rental agreement (if applicable), and estimated mileage.
- Proof that your employer complies with the workers' compensation laws of the state to which you're moving.

Once we receive the letter and signed agreement from you, your case will be assigned to one of our staff. We'll work with the new employer, moving company, and landlord as needed.

Q I am a Preferred Worker who wants to become self-employed. Will the Preferred Worker Program help me start my own business?

A The Preferred Worker Program does not help with self-employment **unless** the injury occurred when the worker was self-employed and covered under his or her workers' compensation policy. The worker may use PWP benefits to return to the same self-employment as at the time of injury or to find employment other than self-employment.

Q I have a Preferred Worker Identification Card; however, the end date on the card has passed. Can I get this card renewed?

A Unfortunately, no. The Preferred Worker Identification Card is good for three years from the date the card was issued. The Preferred Worker has this three-year period to activate premium exemption. Once the card is activated, the Preferred Worker will receive a Preferred Worker Eligibility Card good for three years; that indicates how long the premium exemption is active. If the Preferred Worker Identification Card is not activated, it expires, and the only way to receive another Preferred Worker Identification Card is to have a new Oregon accepted injury, re-open a claim for aggravation, or file a vocational assistance claim. ■

PWP Training Calendar

OR-OSHA offers no-cost occupational safety and health training throughout Oregon. Training includes Preferred Worker Program seminars. The fall schedule for PWP seminars is as follows:

September 21 ... 1 p.m... Coos Bay

October 5 1 p.m..... Eugene

October 19..... 1 p.m..... Portland

November 8..... 1 p.m..... Salem

November 16.... 8 a.m... Roseburg

For further information or to find out **how to register**, see "Training & Events" on our Web site:

www.cbs.state.or.us/wcd, or call (503) 947-7443 or (888) 292-5247 option 2 (message). Registrations are not taken over the phone. ■

Let's Talk

by Kerry King



The Preferred Worker Program staff are currently contacting workers newly eligible for the program. Our goal is to add a personal touch

from state government by contacting new Preferred Workers by phone and explaining all the great benefits the program can offer. We also want your opinion about the program as well as any suggestions you may have for improvement. It's important that you contact us if you change your address or telephone number. If you haven't heard from us recently, we'd love to hear from you. Let's talk! ■

Stockroom access/lifting modification

by Craig Sorseth

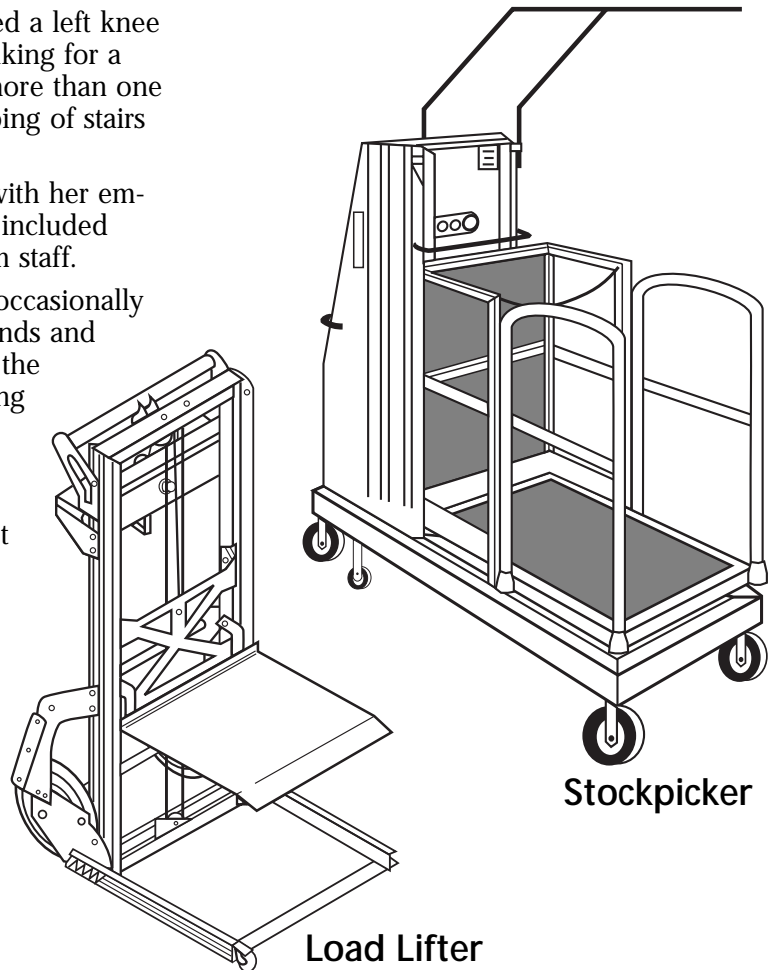
Worker disability — A 35-year-old sales clerk suffered a left knee sprain and was permanently restricted to standing/walking for a maximum of three hours a day, and standing for no more than one hour at a time. She was restricted to intermittent climbing of stairs and lifting up to 24 pounds on an occasional basis.

Work setting — The worker was offered a new job with her employer-at-injury as a stockroom supervisor. Her duties included maintaining store inventory and supervising stockroom staff.

Substantial obstacles — Part of her duties included occasionally lifting and carrying boxes weighing more than 24 pounds and occasionally to frequently climbing a flight of stairs in the stockroom, sometimes while carrying boxes. Performing these tasks would exceed her permanent restrictions.

Modification — The Preferred Worker Program provided an electric telescopic stockpicker that allows her to access the upper level of the stockroom without having to climb stairs. A contractor was hired to fabricate a custom gate and railing that allows the worker to access the upper level directly from the stockpicker. A custom step also allows the worker to use the stockpicker from floor level. A Genie Load Lifter allows the worker to lift and carry boxes and loads weighing more than 24 pounds.

Cost of modification — The cost of the electric stockpicker, including shipping, was \$6,261. The Genie Load Lifter, with shipping, cost \$685. Contractor charges amounted to \$675. Total worksite modification cost was \$7,621. ■



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Workers' Compensation Division
350 Winter St. NE, Room 27
Salem, OR 97301-3879

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