

Oregon's Return to Work Programs: Not Too Good to Be True

Tim Kessel, Worksite Modification
Consultant
Matt West, Worksite Modification
Consultant

How are the programs funded?



1.4¢ / hour worked

The Workers' Benefit Fund (WBF) is a payroll assessment calculated on the basis of hours worked by all paid workers, owners, and officers covered by workers' compensation insurance in Oregon, and by all workers subject to Oregon's Workers' Compensation Laws.



1.4¢ / hour worked

2.8¢ / hour worked
into the WBF

Return to work programs

How are the programs designed?

Employer-at-Injury Program (EAIP)

- Available when the claim is open
- Speeds return to work, lowers claim costs, keeps workers working and productive

Preferred Worker Program (PWP)

- Available after claim closure or when medical evidence indicates the worker knows he or she cannot return to work because of permanent work restrictions

Employer at Injury Program (EAIP)

436-105-0003 - Re-organized Purpose of the Rules and General Provisions

- Housekeeping Changes

436-105-0005

- Modified the Definitions Section

436-105-0008(2)(a) - Reconsideration

(a) Parties directly affected by an Employer-at-Injury Program decision may request reconsideration by submitting a written request to the division no later than 60 days after the date the decision was issued.

Employer at Injury Program (EAIP)

When are you notified about EAIP by you Insurance Carrier?

- Upon acceptance or reopening of a claim; and
- Within five days of a worker's first release for work after claim opening unless the release is for regular work
- Notification language as listed below

Because of your worker's injury, you may be eligible for assistance through the Employer-at-Injury Program to return the worker to transitional work while the worker's claim is open. To learn more about the assistance available from the program, please call [insurer name and phone number].

Employer at Injury Program (EAIP)

Worker Must:

- Have an Oregon workers' compensation injury or occupational disease claim at the time of the Employer-at-Injury Program
- Not be covered by the Injured Inmate Law

Employer at Injury Program (EAIP)

Employer Must:

- Maintain Oregon workers' compensation insurance coverage
- Be the employer-at-injury
- Employing an eligible worker.

Employer at Injury Program (EAIP)

436-105-0500 - Insurer responsibilities

- The insurer must administer the Employer-at-Injury Program.

The insurer must assist an employer to:

- (a) Obtain from the medical service provider a medical release that meets the requirements of section (5) of this rule;
- (b) Identify a transitional work position:

Employer at Injury Program (EAIP)

Insurer responsibilities - cont'd

- The transitional work position must be within the worker's injury-caused limitations and may be created through modification of the worker's regular work, job restructuring, assistive devices, worksite modification, reduced hours, or reassignment to another job;
- Unless the transitional work is skills building, the position must be within the employer's course and scope of trade or profession; and
- When skills building is the transitional work, the worker must agree in writing to take the class or course of instruction;

Employer at Injury Program (EAIP)

Insurer responsibilities - cont'd

- Process employer wage subsidy requests
- Make worksite modification purchases
- Make Employer-at-Injury Program purchases and
- Request Employer-at-Injury Program reimbursement

Employer at Injury Program (EAIP)

What Starts the Employer-at- Injury Program?



436-105-0500 (5) Medical releases.

- A medical release must be related to the compensable injury or occupational disease or, if the claim has not been accepted or denied, the claimed workers' compensation injury or occupational disease.

Employer at Injury Program (EAIP)

436-105-0500 (5) Medical releases - Cont'd.

- A medical release must:
- State the worker's specific current or projected restrictions; or
- Indicate the worker is not released to regular work and be accompanied by an approval of a job description for the transitional work by the worker's Physician
- A medical release that releases the worker to part-time work or fewer hours than the worker normally worked before the injury must specify the worker's hourly restrictions.

Employer at Injury Program (EAIP)

436-105-0500 (5) Medical releases - Cont'd.

- A medical release must be dated and cover any period of time for which benefits are requested.
- The date a medical release is issued is considered the effective date if an effective date is not otherwise specified.
- A medical release, and any restrictions it contains, remains in effect until another medical release is issued.

Employer at Injury Program (EAIP)

436-105-0500 (5) Medical releases - Cont'd.

- If a medical release does not specify an end date and no subsequent medical release is issued, the medical release is effective for no more than 30 days.
- An employer or insurer may get clarification about a medical release from the medical service provider who issued the release any time before submitting the reimbursement request.

Employer at Injury Program (EAIP)

436-105-0500(6) Required documentation.

- The insurer must maintain all records and documentation of the Employer-at-Injury Program for a period of three years from the date of the last Employer-at-Injury Program reimbursement request.
- All documentation must be prepared before reimbursement is requested from the division. The insurer must maintain the following information at an authorized claim processing location:

Employer at Injury Program (EAIP)

436-105-0500(6) Required documentation - cont'd

- The worker's claim file;
- Documentation from the worker's medical service provider that the worker is unable to perform regular work due to the injury.
- Dated copies of all work releases from the worker's medical service provider;
- Documentation of the transitional work including the start date, wage and hours, and description of the duties;
- A legible copy of the worker's payroll records for the wage subsidy period.

Employer at Injury Program (EAIP)

Required documentation - cont'd

Payroll records must include:

- The date of payment;
- The dates of work covered by the payment;
- The rate or rates of pay and Gross Wages
- Whether the worker is paid by the hour, shift, day, or week or on a salary, piece, or commission basis;
- The number of overtime hours worked, if any, rate and pay for those hours;

Employer at Injury Program (EAIP)

436-105-0500(6) Required documentation - cont'd

- Documentation of the time of the appointment and hours.
- Wages for transitional work for any days in which a partial day's reimbursement is requested.
- A legible copy of proof of purchase and payment.
- Verification the WSM or EAIP Purchases items were ordered during the Employer-at-Injury Program period.

Employer at Injury Program (EAIP)

436-105-0500(6) Required documentation - cont'd

- Documentation of the insurer's approval of worksite modifications and EAIP Purchase
- Documentation, including course title and curriculum for a class or course of instruction, when Employer-at Injury Program purchases are requested.

Employer at Injury Program (EAIP)

What's available?

- Wage subsidy - 45 percent of gross wages for transitional work:
 - Limited to 66 work days within a 24-consecutive -month period
 - May not start or end with paid leave
 - Paid leave cannot exceed hourly restrictions



Employer at Injury Program (EAIP)

EAIP Purchases

Clothing -
\$400



Tools & Equipment – combined with worksite modification for a total of \$5,000



Extended Warranties that are in addition to the standard or manufacturer's warranty are not reimbursable

Tuition, books, and fees -



Employer at Injury Program (EAIP)

Worksite Modification

- Up to \$5,000 (combined with the Tools and Equipment category) for altering a worksite (rent, purchase, modify, or supplement)
- Must be ordered during EAIP
- Reimbursable if employer purchased in good faith and worker refuses to return to work



Employer at Injury Program (EAIP)

Worksite Modification (continued)

- Property of the employer
- Insurer determines appropriate worksite modification for worker
- Must link the modification to the accepted conditions
- Insurer documents reason for approval



Employer at Injury Program (EAIP)

When does eligibility end?

- Claim is closed
- For Non-Disabling claims, the EAIP ends no more than 2 years from the date of first acceptance
- Worker or employer are no longer eligible
- Sanctions issued against employer
- Preferred Worker Benefits are Started
- Insurer can end EAIP at any time while claim is open or when PWP benefits are accessed

Employer at Injury Program (EAIP)

Suggestions for successful EAIP use:

- Identify EAIP jobs before the program is needed
- Encourage the use of EAIP benefits to offset costs (e.g., use wage subsidy reimbursement to hire a temp to help with lost productivity)
- Use EAIP reimbursements to fund safety and equipment purchases for the employer's RTW programs
- Encourage creative use of the EAIP

Preferred Worker Program (PWP)

Assisting Oregon Businesses with:

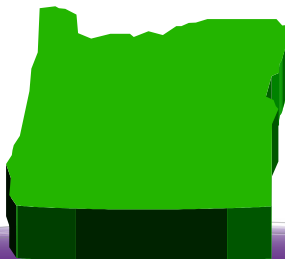
- Lowered hiring and training costs
- Reduced risk
- Increased safety and productivity



Preferred Worker Program (PWP)

Preferred Worker's in Oregon

The State of Oregon Workers' Compensation Division issues over 200 new Preferred Worker cards per month.




By last assessment, there are over 3,000 Preferred Workers registered with iMatchSkills.

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Preferred Worker Program (PWP)

Who are Preferred Workers?

A person is designated a preferred worker because he or she has some measure of permanent work restrictions due to an accepted workers compensation claim that prevents return to their job at injury.



The State of Oregon Workers' Compensation Division has issued over 20,000 Preferred Worker cards since 2000. This is a lifetime benefit and does not expire.

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Preferred Worker Program (PWP)

Preferred Worker Eligibility

1. Is the worker's condition due to injury on the worker's job? Yes No *Handwritten: "Yes - Right shoulder"*

2. Worker is released to: full duty without limitations modified duty modified hours

Appointment date: _____
Date: 4/15/09

3. Which best describes the worker's limitation in repetitive use of the right shoulder for the accepted conditions?
 No limitation Some limitation Significant limitation

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Preferred Worker Program (PWP)

Are all Employer's eligible?

Yes, provided:

- The employer has and maintains Oregon workers' compensation insurance coverage
- The employer complies with Oregon Workers' Compensation Law
- The employer must offer or provide employment to an eligible Preferred Worker who is a subject Oregon Worker according to ORS 656.027
- If the employer is a worker leasing company, it must be licensed with the division; and
- The employer is not currently ineligible for Preferred Worker benefits

Preferred Worker Program (PWP)

Two ways to activate program benefits:

Employer-at-injury activation:

- 180 days from claim closure with employer-at-injury , except for premium exemption (90 days from date of hire)
- One use of all benefits
- Job offer letter required

Worker activation (new employer or outside of 180 day EAI):

- Three years from date of hire, except for premium exemption (90 days from date of hire)

Preferred Worker Program (PWP)

A Preferred Worker can **lower your costs**



Premium Exemption
An employer does not pay worker's comp premiums or premium assessments on a preferred worker for three years.

Claims cost reimbursement
Protects the employer from the costs of a new claim if the preferred worker has a new injury during the three year exemption



Wage Subsidy
50% of wages may be reimbursed for 6 months.



Preferred Worker Program (PWP)

A Preferred Worker is prepared to **do the job**

Clothing

Clothing benefit to assure that the worker has the necessary work clothes.



Tools and Equipment

Provides the tools and equipment that an employer requires their workers to possess.



Training


Funding for training and certifications to give the preferred worker the skills to get the job done.

All categories can be used as often as necessary until the lifetime maximum is reached!

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Preferred Worker Program (PWP)


Other possible assistance




Moving

**Occupational
Certifications**






Union Dues



Miscellaneous



Transportation

All categories can be used as often as necessary until the lifetime maximum is reached!

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Employment Purchases

New category!!!

Transportation-related Purchases

Purchases, not including vehicles or vehicle maintenance, that enable a worker to commute to a job.






**\$1,000 lifetime maximum.
Must be requested within 90 days of hire.**

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Preferred Worker Program (PWP)

A Preferred Worker can increase your **productivity and safety**

Worksite Creation

Equipment, furnishings or other things the employer needs to create a new job for the worker.






All items purchased become property of the employer.

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Preferred Worker Program (PWP)

Worksite Modification



\$50,000 lifetime maximum to provide Worksite modification.

\$35,000 per use maximum

EAI = \$35,000

Can be used until the benefit is exhausted.

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Preferred Worker Program (PWP)

Worksite Modification



Panel Dolly



Task Chair



Tire Dolly



Rebar Tier



2 Person Ladder

Tools, equipment, and worksite redesign needed to overcome injury-caused limitations so the preferred worker can do the job.

Every situation is unique and the solutions are endless!

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Preferred Worker Program (PWP)

Worksite Modification




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Worksite Modification



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Preferred Worker Program (PWP)

Worksite Modification

Worker disability - A 63 year old Master Grader with osteoarthritis acromioclavicular joint right shoulder, right glenohumeral arthrosis, full thickness tear of the supraspinatus tendon, right shoulder.

Work Setting - The worker grades veneer at a lumber mill and stacks the veneer in 4 different stacks depending on the grade of the veneer.

Preferred Worker Program (PWP) Worksite Modification

Obstacles - The worker is restricted to no lifting above waist level, 10 lbs. lifting below waist level, occasional forward reaching and occasional overhead reaching.

Depending on the height of the stack of veneer the worker is forced to reach above waist for taller stacks and reach forward for lower stacks.



The height of the stacks change throughout the day.

Preferred Worker Program (PWP) Worksite Modification

Modification - The program purchased 4 foot operated height adjustable scissor lift tables for each stack of veneer and paid to retrofit the existing carts to fit the new tables.



Preferred Worker Program (PWP) Worksite Modification

Cost of modification -

· 4 Scissor Tables	\$18,267.55
· Costs to Retrofit Carts	\$1,166.55
Total Cost of Modification	\$19,434.10




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Preferred Worker Program (PWP) Worksite Modification

Worker disability - A 60 year old candy packager with a left shoulder injury due to repetitive above shoulder work.


Work Setting - The worker sorts candy into candy boxes and places on a conveyer system.



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Preferred Worker Program (PWP) Worksite Modification

Obstacles - The worker has loss of range of motion in his left shoulder and has permanent restrictions of avoid repetitive reaching at or above shoulder height.



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Preferred Worker Program (PWP) Worksite Modification

Modification - The program paid for the cost to lower the North and South candy packaging lines so the conveyer belt is below shoulder height and the cost to add additional shelving for the candy trays. We also purchased 4 tables to store the candy boxes for the worker so he will no longer need to reach above shoulder to access the empty candy boxes.

Cost of modification -

- Time and material to lower lines - \$2,500
- Fabrication of shelves - \$2,500
- 4 tables for empty candy boxes - \$2,000

Total Cost of Modification - \$7,000



This modification actually benefited all of the workers on the candy line. Shoulder claims from the candy packaging lines are the most common claim for this employer. The employer has also purchased small platforms for shorter workers to ensure everyone is working below shoulder height.

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Preferred Worker Program (PWP)

Worksite Modification

Worker disability - A 46 year old water and wastewater utility worker with a right shoulder strain and right biceps tendon rupture

Work Setting - The worker performs a variety of water and wastewater treatment duties including water testing, water treatment and grounds maintenance

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Preferred Worker Program (PWP)

Worksite Modification

Obstacles - The worker is restricted to 35 lbs. lifting, carrying, pushing and pulling, and occasional use of arms for repetitive pushing and pulling.







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Preferred Worker Program (PWP)

Worksite Modification

Modification - The program purchased items to assist with the worker's grounds maintenance duties and worked with a fabricator to fabricate new solutions to some of the wastewater plant obstacles.







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Preferred Worker Program (PWP)

Worksite Modification

Modification - The program purchased items to assist with the worker's grounds maintenance duties and worked with a fabricator to fabricate new solutions to some of the wastewater plant obstacles.

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Preferred Worker Program (PWP)

Worksite Modification

Cost of modification -

• ATV	\$7,299.00
• Utility Trailer	\$699.99
• Automatic Hose Reel	\$567.00
• 300 feet of Hose	\$653.91
• Broadcast Spreader	\$199.99
• Self-Propelled Brush Cutter	\$999.99
• Electric Office Lift	\$1,982.00
• Custom Cheater Bar	\$275.00
• Custom Scrub Brush System	\$2,550.00
• Custom UV Light Covers	\$4,200.00
• Travel Expenses for Fabricator	\$1,000.00
• Storage Shed for ATV	\$1,200.00
Total Cost of Modification	\$21,626.88

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Preferred Worker Program (PWP)

How do I hire a Preferred Worker?

Employers can post jobs that require a Preferred Worker Card.

Over 600 Preferred Workers currently using iMATCH to job search

Let Preferred Workers know you are interested in hiring them

SHOW US YOUR CARD!

For more info, contact us at 800- 445-3948

Contact information

Tim Kessel, Preferred Worker Program
timothy.j.kessel@oregon.gov
(503) 947 - 7576

Matt West, Preferred Worker Program
matt.d.west@oregon.gov
(503) 507-4997