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Oregon's Return-to-Work Programs: Not too good to be true

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How are the programs funded?



1.2¢ / 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.



1.2¢ / hour worked

2.4¢ / hour worked into the WBF

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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

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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].

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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

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Employer-at-Injury Program (EAIP)

Employer **must**

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

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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:

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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;

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Employer-at-Injury Program (EAIP)

Insurer responsibilities cont'd

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


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Employer-at-Injury Program (EAIP)

What starts EAIP?

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.



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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.

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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.

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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.

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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:

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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.

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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;

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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.

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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

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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




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Employer-at-Injury Program (EAIP)

EAIP purchases


Clothing: \$400




Tuition, books, and fees: \$1,000



Tools and 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



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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



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Employer-at-Injury Program (EAIP)

Worksite modification cont'd

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



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Employer-at-Injury Program (EAIP)

Examples: WSM items purchased during EAIP

- Ergonomic desks and chairs
- Anti-fatigue mats
- Pallet jacks
- Sit/stand stools
- Small scooters
- Golf carts

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Employer-at-Injury Program (EAIP)

When does eligibility end?

- Claim is closed
- For nondisabling claims, the EAIP ends no more than two 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

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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

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Preferred Worker Program (PWP)

Assisting Oregon businesses with:

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

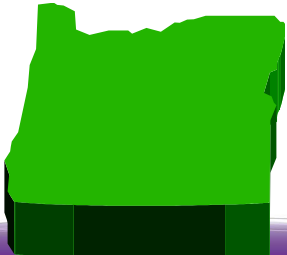


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Preferred Worker Program (PWP)

Preferred workers in Oregon

The State of Oregon Workers' Compensation Division issues more than 200 new preferred worker cards per month.




By last assessment, there are more than 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 more than **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 program of limitation that in respects to the specific condition of "right shoulder" permanent? Yes No *Right shoulder*

2. Worker is released to:

full duty without limitations Date: _____

modified duty from (date): 4/15/09

modified hours specific hours: _____

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 following:

- 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.

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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)

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Preferred Worker Program (PWP)

A preferred worker can **lower your costs**




Premium exemption
An employer does not pay workers' 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 period.



Wage subsidy
50 percent of wages may be reimbursed for six months.



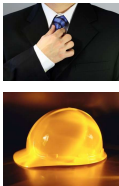
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Preferred Worker Program (PWP)

A preferred worker is prepared to **do the job**


Clothing

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



Tools and Equipment

Provides the tools and equipment that an employer requires its 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



Tire dolly



Rebar tier



Two-person ladder



Task chair

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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Preferred Worker Program (PWP)
Worksite modification



The image shows two side-by-side photographs. The left photograph depicts a tall, makeshift wooden scaffold structure used for reaching high, with a worker visible on it. The right photograph shows a modern, blue hydraulic lift truck with a long, extendable boom and a platform at the top, used for reaching high safely.

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Preferred Worker Program (PWP)
Worksite modification



The image shows two side-by-side photographs. The left photograph shows a worker manually pushing a maintenance vehicle (like a lawnmower or trimmer) in a garden. The right photograph shows a modern maintenance vehicle with a 'Hi-Dump' feature, where the worker is seated and the vehicle's deck is tilted upwards to dump debris. A small text label 'Options - Hi-Dump' is visible above the right image.

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Preferred Worker Program (PWP)
Worksite modification



The image shows two side-by-side photographs. The left photograph shows a worker manually mopping a floor in a hallway, with a 'CAUTION WET FLOOR' sign nearby. The right photograph shows a modern, teal-colored floor scrubber machine, which is a motorized vehicle used for cleaning large floor areas.

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Preferred Worker Program (PWP)
Worksite modification



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Preferred Worker Program (PWP)
Worksite modification



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Preferred Worker Program (PWP)
Worksite modification



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Preferred Worker Program (PWP)
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 four different stacks depending on the grade of the veneer.


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Preferred Worker Program (PWP)
Worksite modification

Obstacles: The worker is restricted to no lifting above waist level, 10 pounds 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.



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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.



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Preferred Worker Program (PWP) Worksite modification

Cost of modification:

- Four 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 to 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 conveyor belt is below shoulder height (and the cost to add additional shelving for the candy trays). We also purchased four tables to store the candy boxes for the worker, so he no longer needs to reach above the 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 form 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 pounds 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 the worker with 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 the worker with 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 modifications

• ATV	\$7,299.00
• Utility trailer	\$699.99
• Automatic hose Rrel	\$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

More than 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

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Contact information

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