

Vocational Rehabilitation

The following brief description is intended for general information only. If you have further questions regarding this topic, we'll be happy to discuss them with you in greater detail.

In a Washington State workers' compensation claim, a claimant is provided with medical treatment for the accepted medical condition(s) until that treatment is no longer promoting a more complete recovery from the injury or condition. Once treatment begins to reach a plateau, if not sooner, questions will be raised concerning the claimant's ability to return to work. A vocational counselor may be assigned to provide an analysis of the claimant's skills and abilities.

The first step is to identify any job opportunities with the employer of injury. This may include an investigation of job modifications that would allow an injured employee to return to their former job, or to a new job available with the employer in a different position that fits the worker's physical restrictions. If no job with the employer can be identified, the possibility of the injured worker returning to work in the general labor market based on the worker's current skills and restrictions is explored. The work and education history of the claimant and the physical limitations are compared with the requirements for all available job titles. The most viable job possibilities are subject to further research for the labor market in question to determine availability. A job analysis is completed for each viable job possibility and presented to the medical experts – the claimant's attending physician and/or an independent examiner – for comment, modification, approval or disapproval.

If a job analysis is approved for a position with sufficient openings in the relevant labor market, the claimant is found to be employable and time loss compensation benefits are terminated. No formal vocational retraining benefits are provided if the claimant is able to return to work, whether at the job of injury, a modified job or a new job based on transferrable skills. Any job that meets the physical requirements and for which the worker has the skills to perform is considered a valid job. A worker's wage-earning capacity does not have to be restored under the claim – any job, minimum wage or better, meets the definition of a viable job. This is often a surprise for claimants, particularly those who previously held a high-paying position.

Retraining is provided only when all of the previous steps have not resulted in a finding of employability. If medical and vocational evidence indicates a claimant will not be able to return to any work without assistance, vocational retraining will be considered. The job titles identified as most closely fitting the claimant's skills and physical abilities are reviewed and the job(s) with the highest likelihood of success are selected. When determining an appropriate vocational retraining goal, the following factors are taken into consideration:

- funding available from the Department of Labor and Industries
- the claimant's aptitude to learn the skills necessary for the job;

- whether schooling or an on-the-job training option is most appropriate;
- the likelihood that the claimant would be considered for employment in the general labor market with the skills he or she would gain from retraining; and,
- whether the claimant has the skills and physical ability to obtain and maintain employment once retraining has been completed.

Under the Vocational Improvement Project (VIP), an injured worker is given two choices once a retraining plan has been devised, approved and presented to the worker for review. The worker can opt to participate in the plan or opt out of the plan in exchange for a package of benefits, with claim closure soon to follow.

If the worker elects Option-1 and chooses to participate in the offered plan, they receive up to two years of retraining benefits with time loss compensation payments for the duration of the plan. Or, for those that choose to not pursue the offered retraining plan, the worker can “opt-out” of the approved retraining plan and, under Option-2, instead receive nine months of vocational award payments equal to their time loss compensation payments (even if back to work) and school vouchers equivalent in value to the maximum retraining budget. These vouchers can be applied toward classes at any accredited school of their choice, with no requirement that the classes lead to an identified employment goal. There are limitations placed on your ability to utilize vocational services again if this option is chosen, so the ramifications should be thoroughly researched and carefully considered prior to taking this step.

For injured workers that meet the eligibility criteria, a third option, often not discussed by vocational counselors, exists in the form of a [Compromise and Release Structured Settlement Agreement \(CRSSA\)](#). In most cases, a CRSSA can result in a higher monetary value to the injured worker than selecting Option-2. We recommend looking into all available options prior to accepting a retraining plan so that you can make a fully-educated opinion about your future.

Seek the advice of an attorney if you disagree with the direction that the vocational process is headed in your claim, or if you wish to explore the option of a CRSSA. If you find that you need assistance with any portion of this process, please contact our office.

