

Vocational Rehabilitation Expectations

February 19, 2009

Ultimate Goal

Quickly return the injured worker to a job where the injured worker will earn as close to the pre-injury wage as practical.



What Workers' Compensation Vocational Rehabilitation Is

It is an opportunity to obtain assistance in returning to the workforce in a different occupation when a serious injury prohibits the injured worker from returning to the pre-injury occupation.

An opportunity to improve/develop occupational skills when existing skills can not be used.

What Workers' Compensation Vocational Rehabilitation Is Not

It is not an opportunity to change careers solely because the worker is less than enamored with the existing one – career change must be a necessity because of the injury.

It is not an opportunity to get “stuff” – items may be purchased if they are directly related to skill development.

What Workers' Compensation Vocational Rehabilitation Is Not

It should not be a bargaining chip to obtain a higher workers' compensation settlement. Even a large settlement will disappear quickly if the worker does not return to work.

When the department reads an assessment/plan the following should be CLEARLY identified

- Workers' age, work experience and existing skills.
- Specific barriers to returning the worker to the workforce at an appropriate wage should be spelled out.
- Employment goal should be identified.

When the department reads an assessment/plan the following should be CLEARLY identified

- Plan should specifically describe how the identified barriers will be addressed and lessened or removed. Ideally performance measures and suitable timeframes will be built into the plan so that progress or problems can be readily identified.
- Plan should indicate how elimination of the identified barriers will lead to achieving the ultimate goal.

Example

<u>Issues</u>	<u>Action Needed to Resolve Issue</u>
Perception of physical capacities	
Medical Issues	
Financial Issues	
Dependent Care Issues	
Transportation Issues	
Legal Issues	
Family Issues	
Perception of current benefit from participation in vocational rehabilitation	
Interest in continued participation in voc. rehab.	
Readiness for employment	
Other Issues	

What existing resources may be utilized to achieve the stated goal?

- Have job/job placement opportunities been identified and pursued?
- Have the Department of Labor offices been contacted to identify any existing jobs, or existing training programs that would be suitable for the injured worker?

What existing resources may be utilized to achieve the stated goal?

- What other existing public or private resources might be available?
- Specific to agricultural employees – has the UVM extension services agribility project been contacted and consulted with.

What is necessary to succeed

- The success of a rehabilitation program is dependent on a clear understanding by each party of their responsibilities and the limits of the vocational rehabilitation benefit.

Injured Worker Responsibilities

1. Keep all appointments. If any emergency occurs and you can't keep an appointment, contact your counselor immediately.
2. Make participation in rehabilitation a priority and be available to participate to the fullest extent permitted by your medical condition.
3. Help your counselor by suggesting and discussing jobs which you feel are suitable for you.
4. Arrange for your own transportation during rehabilitation. Talk to your counselor or claims administrator if this is a problem. Recording and requesting mileage reimbursement is your responsibility.

Injured Worker Responsibilities

5. Keep your counselor and claims adjuster informed of your current address and telephone number, or where you can be reached if you do not have a telephone.
6. Ask about anything you do not understand during the rehabilitation process.
7. Participate in the development of a rehabilitation plan.
8. State your acceptance or rejection of specific services.

V.R. Counselor Responsibilities

1. Involve the injured worker and the insurance adjuster in the process from the beginning
2. Provide or arrange for all agreed to and needed rehabilitation services, which may include such things as counseling, testing, practice in interviewing for a job, placement assistance.
3. Evaluate whether rehabilitation services will help return the injured worker to suitable gainful employment.
4. Advise employee of alternatives available for evaluation and testing and their costs.
5. Work with the injured worker to develop a plan that will provide the opportunity to return to suitable gainful employment.

V.R. Counselor Responsibilities

6. Provide a final recommendation for the most appropriate rehabilitation plan.
7. Answer any questions the injured worker have about rehabilitation or assigned duties.
8. Advise you of any community resources which might assist you during the rehabilitation process.
9. Refer any questions you have about any of your other workers' compensation benefits to the injured worker's attorney, if represented, or the Department of Labor.

Claim Adjuster Responsibilities

1. Get involved in the V.R. process at the beginning
2. Pay all agreed vocational rehabilitation benefits due the injured worker on a **timely** basis. This usually includes any temporary disability benefit, weekly permanency benefit and mileage and other V.R. expenses.
3. Pay for agreed services of the rehabilitation counselor and all expenses for any agreed rehabilitation plan on a **timely** basis.

Claim Adjuster Responsibilities

4. Considers all recommendations of the V.R. rehabilitation counselor and promptly notify the counselor and the injured worker of any concerns or decision to deny a benefit, service, or V.R. plan.
5. Submits all necessary paperwork, including reasonable support for any denial to the injured worker, the V.R. counselor and the Department.
6. Address any questions/concerns raised by either the injured worker or the V.R. Counselor about vocational rehabilitation benefits.

ASSESSMENT OF EXISTING EMPLOYMENT SKILLS

1. History
 2. Physical abilities and preclusions
 3. A measured demonstration of the employable skills by the injured worker
 4. Research the availability of jobs under consideration in a given geographic area using available information
- After evaluating the above V.R. Counselor should be able to state either:
 - a. A specific job, or list of jobs, meet the criteria of suitable gainful employment for this worker, or
 - b. No identified jobs meet the criteria of suitable gainful employment.

Consider the following when evaluating suitable employment opportunities:

Modified Work Programs

Is a modification of the usual and customary job or job at time of injury available:

1. Are the wages, hours and conditions similar to those at the time of injury;
2. Does the modified job represent suitable gainful employment.

Consider the following when evaluating suitable employment opportunities:

Alternate Work Programs

Is alternate work with the same or similar employer available:

1. Are the wages, hours and conditions similar to those at time of injury;
2. Can the injured worker perform the job;
3. Does the alternate job represents suitable gainful employment.

Consider the following when evaluating suitable employment opportunities:

Job Placement Programs

Consider and include the following in the plan documentation when the plan recommendation is for direct job placement:

1. Identification of vocational goal(s) and substantiation that it is consistent with the injured worker's skills, abilities, and interests;
2. The V.R. counselor should determine whether the worker can presently compete for employment in the relevant labor market area;
3. Confirm that the injured worker meets the employer's requirements;

Consider the following when evaluating suitable employment opportunities:

On-The-Job Training Programs

Consider on-the-job (OJT) training as a means of returning the injured worker to suitable gainful employment when:

1. The injured worker needs additional skills or work experience in the chosen goal;
2. The vocational evaluation indicates that the injured worker would benefit from learning via demonstration;
3. Labor market assessment indicates that employers are likely to provide on-the-job training in the targeted goal;
4. An available opportunity meets the definition of suitable gainful employment.

On-The-Job Training Programs

When a suitable OJT is located, the V.R. counselor should fully document in an on-the-job training agreement the following information:

1. A full description of the work to be performed during the plan and the identity and qualifications of the trainer;
2. The start date, completion date, work schedule, and training schedule;
3. A statement of salary earned and a determination that the employee/trainee is earning at least minimum wage; if the injured employee is considered a trainee and not receiving minimum wage, the claims administrator shall verify that the training concurs with applicable state and federal wage laws and regulations;

On-The-Job Training Programs

4. Verification that the employer is covered by workers' compensation insurance;
5. A statement that the new employer shall pay into and deduct Social Security taxes, FICA, and Federal and State taxes as required by law;
6. A description of whether the injured worker is an employee or trainee. If the worker is considered a trainee and is not expected to remain with this employer upon the completion of training, the V.R. counselor shall describe subsequent anticipated services;

On-The-Job Training Programs

7. The schedule of monitoring and its costs to be provided by the V.R. counselor;
8. Arrange for the new employer to report the injured worker 's progress to the V.R. counselor on a regular (at least monthly) basis, outlining the status of the training, absences, and whether training is proceeding according to schedule, as well as a final evaluation to determine if the anticipated skills have been acquired. A copy of the progress reports shall provided to the injured worker, the insurance adjuster and the Department.

Consider the following when evaluating suitable employment opportunities:

Formal Training Programs

A vocational rehabilitation plan which involves formal training or retraining into a new occupation is often difficult to successfully implement. Strong motivation on the part of the injured worker and sufficient funding are key components. A plan of this nature should only be considered under certain conditions:

1. When the injured worker has limited existing employment skills which prevent placement into an appropriate occupation;
2. When there is a poor labor market for occupations utilizing existing employment skills;

Formal Training Programs

3. When training would lead to occupations more compatible with the worker 's physical limitations;
4. When a combination of limiting factors require consideration of formal training to compensate for limitations and increase employability; and/or

Formal Training Programs

If the V.R. counselor is convinced that formal training is the most appropriate way to provide the injured worker with the opportunity to return to suitable gainful employment, the V.R. counselor should also consider the probability of success given the injured worker 's motivation to pursue the training and his/her unique circumstances.

Formal Training Programs

Include:

1. Whether the worker has the basic skills to successfully complete a formal training program;
2. The length of time the worker has been absent from school and its effect on the probability of successful completion;
3. A review of prior grades/transcripts;
4. Whether vocational testing supports the recommendation;
5. Whether the labor market is positive for the vocational goal;

Formal Training Programs

6. Whether the injured worker actively pursues information about various training programs when formal training is under consideration;
7. Transportation issues which may affect the injured worker 's ability to attend training;
8. Whether the injured worker will be required to temporarily or permanently relocate to pursue training or placement, and;
9. Whether the combination of possible limiting factors can be overcome and the methods available to reduce the risk of plan failure.

Formal Training Programs

The selection of the training program should be based on the needs of the injured worker, the quality of instruction and whether the program will lead to suitable, gainful employment.

What Is Happening?

1. Note last year's legislation
2. V.R. study to commence this spring
report due next fall
3. Mediation Proposed Rule
4. Best Practice
5. Performance Standards

Questions