

Oregon Workers' Compensation Benefit Services Section

Employment Services Team _____

Purpose

To offer assistance to eligible Oregon injured workers, and to employers who employ or re-employ them, and to resolve disputes between injured workers and insurers and oversee the administration of the vocational assistance rules.

Responsibilities

Employer at Injury Program (EAIP): Provide consultation and oversight for this insurer-administered program which provides incentives to employers who return their injured workers to temporary light-duty work while their claims are still open. Incentives include wage subsidies for up to 66 work days, work site modifications up to \$2,500, and certain purchases.

Preferred Worker Program (PWP): Administer and deliver direct services to eligible Oregon workers with injury-caused permanent disabilities and the employers who hire them. Incentives include exemption from paying workers' compensation premiums of the Preferred Worker for three years, claim cost reimbursement for new on-the-job injuries within the premium exemption period, six-month wage subsidies, work site modifications up to \$25,000, and employment purchases.

Vocational Assistance Dispute Resolution: Resolve disputes related to vocational assistance process, including eligibility determinations, appropriateness of vocational plans, and end of eligibility.

Functions

Reemployment specialists determine the eligibility of injured workers and employers for the program's benefits. The injured worker's medical and claim information is reviewed to determine if the worker meets eligibility requirements of the program. Employer eligibility for incentives is based on current workers' compensation coverage. Reemployment specialists review and approve wage subsidy contracts; tool, equipment and clothing purchases; and payments for tuition, moving costs, and other purchases for the Preferred Worker. The specialists also initiate reconsiderations and investigations, as well as provide phone consultations for all parties regarding the above benefits. If a request is not approved, the specialist provides a letter of explanation to the requesting party. Specialists provide education and training to the public regarding reemployment assistance.

The reemployment consultants specialize in work site modification and provide consultation services for the worker, employer, insurer and private rehabilitation counselor. Consultations can be on the job site or by phone, helping the employer and worker redesign work sites and select appropriate equipment. The consultants write and approve contracts and authorize payment for the modifications. Consultants also provide education and training to the public regarding reemployment assistance and work site modification.

The majority of a vocational reviewer's time is spent resolving disputes over vocational assistance eligibility and the type and extent of services provided. To resolve a dispute, reviewers use alternative dispute resolution skills and processes which includes, but is not limited to: facilitating agreements via in-person, phone, and written negotiation, mediation and education. Reviewers review file material and request additional information from the parties. They talk to workers, insurers, employers, trainers,

medical providers and others over the phone or in person, and attempt to negotiate agreements. If the parties reach agreement, the reviewer issues a formal letter of agreement. If the parties reach an agreement not covered under the vocational assistance rules, the reviewer issues an order of dismissal. If the dispute is not resolved by agreement or dismissal, the reviewer completes an investigation, weighs the evidence, and renders a decision, called a Director's Order. Director's Orders may be appealed to the Workers' Compensation Division and then to the Court of Appeals.

Vocational reviewers schedule and convene conferences with insurers, workers, attorneys, and vocational counselors when return-to-work plans are not implemented within statutory timeframes. This enables the parties to identify obstacles, and overcome those obstacles for return-to-work plans to be implemented, reducing the need for either party to file a dispute with the division.

Vocational reviewers provide consultation and training to injured workers, vocational counselors, medical providers, insurers, attorneys and the general public. Consultation and training address: statutes, case law, rules, regulations and policies to gain or clarify information relevant to the dispute or dispute resolution process.

The Employment Services Team has offices in Salem and Medford.

Primary governing rules

OAR436-105: Employer at Injury Program

OAR 436-110: Reemployment Assistance Program

OAR 436-120: Vocational Assistance to Injured Workers

For questions regarding the Employer-at-Injury Program, please contact:

503-947-7588

Toll-free: 1-800-445-3948

Fax: 503-947-7581

For questions regarding Vocational Assistance, please contact:

503-947-7816

Fax: 503-947-7794