

# Plan Development: What Are My Rights and Responsibilities?

*Vocational Rehabilitation Services*



Washington State Department of  
**Labor & Industries**

*Workers' Compensation Services*



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# Plan Development: Rights and Responsibilities

## **You are eligible for training**

You have been found likely to benefit from vocational services that will help you return to the workforce. This is an important step in your life following your serious work-related injury or illness.

## **Planning for wise use of your benefits**

This phase of vocational services is devoted to developing a training plan. During plan development you will work closely with your vocational counselor to identify a job goal, the training program or course of study that is the best fit for you, and to work out the details of how to meet your goal.

## **What training benefits are available?**

The vocational benefits available are significant and should allow you and your vocational counselor to develop a training plan that can lead to a high-demand job. It will give you many options in finding a program that is just right for you!

If formal training is not the best approach for you, your vocational counselor may also work with you on other possible options, such as on-the-job training opportunities. Additional resources are available through WorkSource to assist you in job searches, resume development, and job skill classes.

## **What you need to do**

It is your responsibility to work with your vocational counselor to develop a vocational plan listing the services you will need to become employable again. When your plan is complete, it will be submitted to the Department of Labor & Industries (L&I) for review.

After L&I approves your plan, you will have an opportunity to choose between two training options. If you choose Option 1, you must follow the plan you have developed and the elements of an accountability agreement you will sign. If you choose Option 2, you get access to training funds to use for a plan you develop on your own. See Page 4, Vocational Option 2.

## **What happens if you stop participating?**

While you are actively participating in vocational rehabilitation services, you will continue to receive time-loss compensation benefits. If you stop participating, L&I or your self-insured employer may stop paying your medical and time-loss compensation benefits.

## What happens during plan development?

1. L&I will notify all involved parties in writing that you are eligible for plan development.
2. L&I will also notify your employer that they have fifteen (15) days to offer you a job. If your employer makes a valid job offer during that period, time-loss compensation will stop, even if you do not accept the offer.
  - After the 15 days are over, your employer can continue to offer you jobs, but you are not required to accept. If you decline a job offer made after 15 days, this decision will not affect your time-loss compensation.

### **A valid job offer is made in writing.**

The written offer should include:

- A description of the job duties
- A statement that the employer reasonably expects the job to continue in the future
- A reasonable start date
- Work shift
- Location of the work site
- Who the worker will report to
- Wages

3. You need to meet and work with your counselor to draft a training plan. This plan is due to L&I within 90 days.

## What your vocational plan will include:

- Your occupational goals.
- A detailed schedule of services or training that will lead to your goals.
- The responsibilities you, your counselor, and others will have as you work toward this goal.
- An accountability agreement that you must sign. Your signature will show that you understand and agree to your responsibilities if you go ahead with the plan, including expectations regarding your progress, attendance, and other factors that will help you succeed at meeting your goals.

## Next steps after submitting your plan to L&I

L&I has 15 days to approve or reject your plan. We will notify all parties of the decision in writing.

- If L&I does not make a decision within 15 days, your plan will be approved automatically.
- Once L&I approves your retraining plan, you decide whether to select Option 1 or 2.

# Plan Development: Rights and Responsibilities

## Your options

### Vocational Option 1

You can choose to move ahead with your retraining plan.

### Vocational Option 2

Your claim will close and you will receive an amount equal to nine months of time-loss compensation, less any overpayments or Division of Child Support\* liens you owe. This benefit is paid bi-weekly, or, upon request and at L&I's discretion, in a lump-sum payment. If the lump sum is approved, L&I or your self-insured employer will send your payment once 70 days or more have passed from the mailing date on your claim closing order. (Because bi-weekly payments will have already begun, the remainder of your payment will be sent in a lump sum.)

Under Option 2, you can still seek training even though your claim will be closed. Training funds remain available to you, with some limits, for up to five years after Option 2 approval.

### How Option 2 works

1. Before you can select Option 2, you must develop a plan with your vocational counselor and it must be approved by L&I.
2. You can choose Option 2 only once in your lifetime.
3. You will not receive time-loss payments during your Option 2 training.

*\* Washington State Department of Social and Health Services, Division of Child Support*

4. You can spend your vocational funds on:

- Licensed or accredited schools, programs or courses.
- L&I-approved programs or courses.
- The following costs related to your school, program, or course:
  - Tuition
  - Fees
  - Supplies and equipment
  - Books
  - Tools
  - Licensed care for your child or dependent
- You may use up to 10% of the training fund for vocational counseling and/or job placement services.

## What you can expect from your vocational counselor

### Your counselor is required to:

- Meet with you face-to-face to review your rights and responsibilities.
- Provide vocational counseling, including exploring possible occupations for you.
- Help you identify job goals, training needs, resources, and expenses.
- Provide vocational evaluation or testing, if appropriate, including skills assessments and interest inventories.
- Identify your current transferable skills, and skills acquired through training.

- Help you develop a plan to accomplish your job goal.
- Submit your training plan to L&I within 90 days from the referral.

In addition to the above, for State Fund claims, your counselor is required to:

- Provide monthly progress reports to L&I.
- Provide you copies of the monthly progress reports if you request them.

## **What you can expect from L&I or your self-insured employer**

L&I or your self-insured employer will:

- Continue to monitor your time-loss and medical benefits.
- Get all medical information from your attending physician.
- Assign you a vocational counselor.
- Stop paying your benefits if you stop participating.

In addition to the above, for State Fund claims, L&I will:

- Review monthly progress reports received from your counselor.
- Assign you another counselor if your counselor does not submit your training plan within 90 days or provide good cause for a delay.

For both State Fund and self-insured claims, L&I will:

- Approve or reject the vocational plan within 15 days and notify all parties in writing.

## **Need more information or help?**

**If your employer is insured by L&I**, contact us at the number printed in your correspondence or by calling 1-800-547-8367.

- You can also review your information at L&I's online Claim & Account Center: **[www.Lni.wa.gov/ClaimInfo](http://www.Lni.wa.gov/ClaimInfo)**
- By mail: Department of Labor & Industries  
Insurance Services  
P.O. Box 44291  
Olympia, WA 98504-4291

**If your employer is self-insured**, contact your employer's claim manager, or L&I's Self-Insurance Section at 360-902-6901.

*Upon request, foreign language support and formats for persons with disabilities are available. Call 1-800-547-8367. TDD users, call 711. L&I is an equal opportunity employer.*

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