



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

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STATE OF WASHINGTON
FILED

DATE: November 19, 2024

TIME: 9:34 AM

WSR 24-23-080

Agency: Department of Labor & Industries (L&I)

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) January 1, 2025 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: The purpose of this rulemaking is to implement requirements of Substitute House Bill 2127 (SHB 2127), Chapter 90, Laws of 2024, under Chapter 296-16 WAC, Employer—Worker reemployment incentives; and Chapter 296-16A WAC, Stay-at-work program. This rulemaking increases the maximum amounts an employer may be reimbursed by the Stay at Work Program and the Preferred Worker Program. These programs provide financial incentives to employers when they help injured workers return to approved work within their restrictions.

This rulemaking also implements House Bill 1927, Chapter 144, Laws of 2024, regarding reducing the number of days of time-loss required to qualify for preferred worker certification from 14 to 7 days.

L&I is also conducting a separate rulemaking to amend chapter 296-19A WAC, Vocational rehabilitation, to implement 2024's SHB 2127.

Adopted amendments include:

WAC	Change
296-16-113 What are the preferred worker certification requirements for a worker with developmental disabilities as defined by RCW 71A.10.020?	<ul style="list-style-type: none"> • For a worker with a date of injury on or after January 1, 2025, updated requirement for preferred worker certification from 14 days of time-loss compensation benefits to 7 days of time-loss compensations benefits. • Removed the word consecutive, which was incorrect.
<ul style="list-style-type: none"> • 296-16-140 Which employers are eligible to benefit from the preferred worker program? • 296-16-145 Who must confirm the worker has returned to work that is consistent with the worker's limitations and physical restrictions? • 296-16-160 What must an employer do to qualify for benefits when hiring or reemploying a preferred worker? 	<p>For a worker with a date of injury on or after January 1, 2025:</p> <ul style="list-style-type: none"> • Removed requirement for approval of job descriptions by the injured worker's health care provider. • Clarified that credentialed vocational rehabilitation professionals that approve job descriptions are employed by the department.
296-16-150 What benefits can an eligible employer receive from the preferred worker program?	<p>For a worker with a date of injury on or after January 1, 2025:</p> <ul style="list-style-type: none"> • Maximum wage reimbursement period per claim increased from 66 days to 120 days. • Maximum wage subsidy per claim increased from \$10,000 to \$25,000. • Maximum reimbursement for clothing per claim increased from \$400 to \$1,000. • Maximum reimbursement for tools and equipment per claim increased from \$2,500 to \$5,000. • Discretionary one time incentive payment for continuous employment without reduction in wages for at least 12 months increased from the lesser of 10 percent of the

	<p>worker's wages or \$10,000 to \$25,000 with no consideration of the worker's wages.</p> <ul style="list-style-type: none"> Clarified that work must be approved, but not medically approved by the injured worker's provider.
296-16A-030 What can I be reimbursed for?	<p>For a worker with a date of injury on or after January 1, 2025:</p> <ul style="list-style-type: none"> Maximum wage reimbursement period per claim increased from 66 days to 120 days. Maximum wage subsidy per claim increased from \$10,000 to \$25,000. Maximum reimbursement for training costs per claim increased from \$1,000 to \$2,000. Maximum reimbursement for clothing per claim increased from \$400 to \$1,000. Maximum reimbursement for tools and equipment per claim increased from \$2,500 to \$5,000.

Citation of rules affected by this order:

New:

Repealed:

Amended: WAC 296-16-113, 296-16-140, 296-16-145, 296-16-150, 296-16-160, and 296-16A-030

Suspended:

Statutory authority for adoption: RCW 51.04.020(1)

Other authority: None

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 24-20-111 on October 1, 2024 (date).

Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Web site:

Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	<u>6</u>	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

New ____ Amended ____ Repealed ____

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New ____ Amended ____ Repealed ____

The number of sections adopted using:

Negotiated rule making: New ____ Amended ____ Repealed ____
Pilot rule making: New ____ Amended ____ Repealed ____
Other alternative rule making: New ____ Amended ____ Repealed ____

Date Adopted: November 19, 2024

Name: Joel Sacks

Title: Director

Signature:

