

RCW 51.32.095  
VOCATIONAL REHABILITATION SERVICES—  
SEC. 2 PRIORITIES

SEC. 2. “When in the sole discretion of the supervisor or the supervisor’s designee vocational rehabilitation is both necessary and likely to make the worker employable at gainful employment, then the following order of priorities shall be used:

- (a) Return to the previous job with the same employer;
- (b) Modification of the previous job with the same employer including transitional return to work;
- (c) A new job with the same employer in keeping with any limitations or restrictions;
- (d) Modification of a new job with the same employer including transitional return to work;
- (e) Modification of the previous job with a new employer;
- (f) A new job with a new employer or self-employment based upon transferable skills;
- (g) Modification of a new job with a new employer;
- (h) A new job with a new employer or self-employment involving on-the-job training;
- (i) Short-term retraining and job placement.”

## INFORMATION

*State of Washington  
Department of  
Labor & Industries*

## Injured Worker Rights and Responsibilities

### Responsibilities

The primary responsibility of the injured worker is to return to gainful employment as quickly as possible.

It is the worker's responsibility to cooperate with all reasonable requests in determining disability and developing and implementing the rehabilitation process. If the worker fails to cooperate without good cause, the department or self-insurer, with notice to the worker, may suspend any further action on the worker's claim as long as the practice continues, and reduce/suspend, or deny compensation for such period. (RCW 51.32.110: WAC 296-18A-480)

It also is the worker's responsibility to:

- Report the injury or exposure to the employer as soon as possible.
- File a claim when a work-related injury or illness occurs.
- Tell the attending physician that the injury or illness is work related and to keep the physician informed of his or her medical status.
- Keep in touch with the employer regarding the progress of his or her recovery and return-to-work plans.
- Report significant changes to the department or self-insurer, such as status of medical condition, a change of address, return-to-work status, the hiring or dismissing of an attorney, etc.
- Contact the department or self-insurer if he or she disagrees with some aspect of the vocational planning process.

## INFORMATION

*State of Washington  
Department of  
Labor & Industries*

## Injured Worker Rights and Responsibilities

### Rights

Under the industrial insurance laws, the injured worker has the right to:

- File a claim for a work-related injury or illness without penalty of discrimination by the employer for doing so.
- Obtain prompt medical treatment for the work-related injury or illness and to refuse treatment once the condition is determined.
- Choose any qualified doctor for treatment, consult with another doctor or change doctors with prior approval from the department or self-insurer.
- Receive time-loss compensation when the injury prevents a return to work and the medical condition is unstable; or while actively participating in vocational rehabilitation service. (The first time-loss payment should be mailed within 14 days after the department receives the doctor's certification of disability.)
- Apply for a change in compensation.
- Have his or her records kept confidential.
- Return to work while completing recovery with the attending doctor's approval as long as the work does not interfere with the recovery.
- Have all modified job changes reviewed and approved by the attending doctor.
- Send a written request to the department or self-insurer to review his or her claim file and records.
- Be informed of the progress and development of vocational activities.

## INFORMATION

*State of Washington  
Department of  
Labor & Industries*

## Injured Worker Rights and Responsibilities

### Rights

- Dispute a vocational employability or an approved formal vocational plan within 15 calendar days from the day the notification of the decision was received.
- Protest or appeal in writing a department or self-insurer decision (unrelated to vocational services) within 60 days of receiving notice of the decision.
- Reopen the claim if the condition worsens and requires medical attention within seven years from the date the first claim closure became final, or, in the case of an eye injury, 10 years.
- To file a lawsuit against a third party who caused the work-related injury or illness and/or ask the department to file a lawsuit on the worker's behalf.
- Have legal representation and to terminate legal representation.
- Have the department upon written request, set reasonable attorney fees for legal services before the department. (The Board of Industrial Appeals of the court system will, upon written request, set reasonable attorney fees for legal services before the board of the court).
- Apply for social security disability benefits, if appropriate.
- Receive compensation for permanent loss of function to one or more parts of the body (permanent partial disability) or for inability to ever return to gainful employment (permanent total disability), as a result of the work-related injury or illness.

## INFORMATION

*State of Washington  
Department of  
Labor & Industries*

## Vocational Rehabilitation Counselor Rights and Responsibilities

### Responsibilities

- To show that he or she meets the qualifications to be a vocational rehabilitation counselor.
- To comply with the industrial insurance law (Title 51 RCW).
- To comply with state regulations contained in chapter 296-18A WAC.
- To develop a formal program.
- To maintain accurate records.
- To note and report an injured worker's non-cooperative behavior.
- To keep all parties informed of the development and progress of the formal rehabilitation program.
- To assist/instruct in the application for a provider number.
- To assist/instruct in submitting the appropriate bill for services.
- To maintain counselor registration with the department.

### Rights

- To be treated as a professional.
- To be recognized as a major stakeholder on the claims management team.
- To be paid for services rendered.

## INFORMATION

*State of Washington  
Department of  
Labor & Industries*

## Employer Rights and Responsibilities

### Responsibilities

- To provide reasonable accommodations to individuals with disabilities.
- To assist the vocational rehabilitation counselor in any way necessary to collect data regarding the former employment of the injured worker.
- To assist the vocational counselor and attending doctor to determine whether a modified job can be made available.
- To pay workers prevailing wage or applicable state or federal minimum wage, depending on type of work and union guidelines.
- To provide a safe work environment.
- To provide information and training about work expectations, work hazards, work safety procedures and injury reporting protocol.
- To observe laws and guidelines set by the Equal Employment Opportunity Act, Department of Labor, Human Rights Commission, and Department of Labor and Industries during hiring and termination activities.

### Rights

- To protest orders/determinations made by the department.
- To be advised of the industrial injury or exposure as soon as possible.
- To ask about the applicant's ability to perform a specific job, but not to inquire if someone has a disability or subject a person to tests that tend to screen out people with disabilities.
- To require credentials, written statements and/or demonstration of skills that are bona fide occupational qualifications in order to hire the best qualified applicant, in the employer's opinion.

## INFORMATION

*State of Washington  
Department of  
Labor & Industries*

## Employer Rights and Responsibilities

### Responsibilities

- To offer employment to injured workers in part-time, light duty, or modified work as soon as a physician reports that the injured worker is physically capable of performing the designated duties of the job.
- Once the worker returns to work, he or she shall not be assigned work by the employer other than the work described without the worker's written consent or without prior review and approval by the worker's physician. (RCW 51.32.090). Note: If the available work impedes recovery, in the judgment of the worker's attending physician, the worker can cease work and resume receiving temporary total disability payments.
- To remain in contact with the injured worker, to inquire about recovery and return-to-work planning and to request that the injured worker maintain contact by phone or in person.
- To require the attending physician/provider to provide regular updates regarding the injured worker's treatment and progress, request second opinion consultation and contact the health care provider for additional information and clarification.
- To request the assistance of the department in managing a worker's compensation claim, including managing the basis for decision making, questioning information and requesting medical/vocational consultation if the claim is not progressing satisfactorily.