

Topic:	Worker's Compensation Insurance Coverage for Employment Path Community and Discovery services provided at a Community Employer Business
Date Issued/Updated:	6/16/17 – Implemented 7/1/2017

Overview

Description:

When a provider agency sets up a community work assessment, job shadow, internship or other volunteer experience billed through the service Employment Path Community or Discovery that is not paid work and takes place at a community employer's business (i.e., is not provider owned, operated or controlled) the individual participating in Employment Path Community or Discovery has Worker's comp available through the state of Oregon.

Purpose/Rationale:

ORS 655.615 requires that DHS provide Worker's Compensation Insurance to those who are participating in a work evaluation or work experience program of DHS. These services include work assessments, job shadow, internship or other unpaid volunteer experience billed through Employment Path Community and Discovery. If the individual is being paid by a community business for work, the community business must provide Worker's Compensation Insurance. If the individual is engaging in a service at a provider owned, operated or controlled location the provider is required to provide Worker's Compensation Insurance for work completed. Per OAR 411-345 work assessments, job shadow, internships and other volunteer experiences billed through Employment Path Community and Discovery must take place at a community business to be eligible for billing as a community based service.

Applicability:

Worker's Compensation Insurance is available for and applies to all unpaid work assessments, job shadow, internship or other volunteer experience provided as part of an Employment Path Community or Discovery service.

Procedure(s) that apply:

Filing a Claim:

All individuals who participate in unpaid work assessments, job shadow, internship or other volunteer experience as part of an Employment Path Community or Discovery service are eligible for Worker's Compensation Insurance through the Office of Developmental Disability Services (ODDS)/DHS.

In the event that an individual is injured during an unpaid work assessment, job shadow,

internship or other volunteer experience, the following steps must be taken for coverage to be enacted.

- If an individual experiences an injury that does **not** require medical attention or treatment, the individual with the support of the provider should complete the MSC-2107 form available online at [https://aix-xweb1p.state.or.us/es_xweb/DHSforms/Served/me2107.pdf?CFGRIDKEY=MSC%202107,Accident/Incident%20Analysis%20\(Use%20Word%20version%20to%20fill%20in%20on%20computer:%20PDF%20version%20to%20fill%20in%20by%20hand\)%20\(Replaces%20DHS%202107\),ME2107.docx,ME2107.pdf,,,,,http://dhsforms.hr.state.or.us/Forms/Served/DE2107D.pdf,Click%20here%20for%20information%20on%20forms%20and%20procedures%20to%20use%20when%20reporting%20safety%20and%20health%20incidents,/es_xweb../FORMS/-](https://aix-xweb1p.state.or.us/es_xweb/DHSforms/Served/me2107.pdf?CFGRIDKEY=MSC%202107,Accident/Incident%20Analysis%20(Use%20Word%20version%20to%20fill%20in%20on%20computer:%20PDF%20version%20to%20fill%20in%20by%20hand)%20(Replaces%20DHS%202107),ME2107.docx,ME2107.pdf,,,,,http://dhsforms.hr.state.or.us/Forms/Served/DE2107D.pdf,Click%20here%20for%20information%20on%20forms%20and%20procedures%20to%20use%20when%20reporting%20safety%20and%20health%20incidents,/es_xweb../FORMS/-).
- If an individual experiences an injury that **does** require medical attention, the individual with the support of the provider should complete the SAIF 801 form which is available on the DHS/OHA website: <https://apps.state.or.us/Forms/Served/me0801spd.pdf>.
 - The bottom section of the 801 form should be completed with information about the community employer (not DHS).
 - SAIF will follow-up on any cases where it is marked "unknown" or "no" in the box that asks, "Did injury occur during course and scope of the job." If the injury happened on the job, mark yes. If the individual was not injured on the job, mark no.
 - The individual must sign the form. *Once the individual signs the form, it becomes a claim.*
- Upon completion of either the Incident Report (MCS-2017) or Claim (801) it must be sent to ODDS within 24 hours of the injury. It must be sent to: employment.first@state.or.us.
- Upon receipt, ODDS will ensure an Employment Path or Discovery service was authorized during the time of the incident, review the form to make sure the form is complete, and submit to SAIF for processing (saif801@saif.com).

Requesting a Certificate of Insurance

Some community employers may require proof of insurance before they authorize a work assessment, job shadow, or other unpaid volunteer experience at their place of business. In the event that they make this request, a provider agency may request a certificate of insurance. The following steps must be taken to receive a certificate of insurance:

- The provider agency must e-mail employment.first@state.or.us with the subject line "certificate of insurance." Included in the e-mail must be:
 - The name and prime of the individual receiving the Employment Path Community or Discovery service;
 - The name of the service;
 - The name of the provider, providing the service
 - The name of the community employer; and
 - The dates of the work experience, job shadow, internship or volunteer activities;

Upon receipt of this information, ODDS will submit to SAIF for a certificate of insurance and then send the final to the provider agency to share with the community employer.

Form(s) that apply:

Incident/Accident Report (767): <https://www.saif.com/documents/forms/s-767.pdf>

SAIF Claim (801): <https://www.saif.com/>

Definition(s):

Community Employer: a business that is not provider owned, operated or controlled.

Individual: person who receives employment services through the Office of Developmental Disabilities.

Provider: An agency or organization certified and enrolled with the Office of Developmental Disability Services to provide Employment Services to individual with Intellectual and Developmental Disabilities.

Workers' Compensation: The Oregon workers' compensation system provides coverage to employers and benefits to injured workers. The system includes the Governor, Legislature, Department of Consumer and Business Services, Workers' Compensation Board and appellate courts, insurance carriers, employers, injured workers, medical care providers, and the National Council on Compensation Insurance. Oregon has a "no fault" system which guarantees benefits to workers with job-related injuries and diseases regardless of their cause and protects employers against liability.

Reference(s):

ORS 655.615

OAR 411-345

Frequently Asked Questions:

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