



Oregon Association of Rehabilitation Professionals The Oregon Chapter of IARP

September 25, 2018

Representative Paul Holvey
Legislative Counsel

Re: 2019 Legislation for ORS 656.340 Workers' Compensation Vocational Statute

Legislative Concept

The Oregon chapter of the International Association of Rehabilitation Professionals is seeking three changes to the Workers' Compensation Vocational statute for consideration in the 2019 Oregon Legislature.

- 1) ORS 656.340 (12) is basically a housekeeping amendment. Approximately six years ago, this section was inadvertently changed to allow insurers to choose whether to pay time-loss benefits to injured workers for training programs longer than 16 months. Training programs, with appropriate documentation, are allowed up to 21 months; however, the statute only requires insurers to pay an injured worker for 16 months of time-loss benefits for the duration of the training program. We propose that when an insurer approves a training program that exceeds 16 months, the insurer is obligated to pay the injured worker time-loss benefits for the full length of the program, up to 21 months.
- 2) ORS 656.340 (6) (b) (B) (iii) was enacted in 1988. We are seeking two changes to this part of the statute, in the first sentence and the last sentence. This statute states that an injured worker is not eligible for vocational assistance if they are employable at 80% of their average weekly wage. We are asking that the first sentence of this sections replace "80%" with "95%." Compared to 1988, fewer injured workers qualify for vocational assistance and with the minimum wage rising faster than wages in the general labor market, even fewer skilled workers will be eligible for vocational services unless changes are made.
- 3) The second change to ORS 656.340 (6) (b) (B) (iii) is in the last sentence, regarding the definition of "earned income." When injured workers cannot return to their job-at-injury, they often lose valuable health care benefits. We are proposing that the value of these benefits be included in the vocational calculation of an adjusted weekly wage. That will help more injured workers be eligible for vocational benefits that can get them back to good jobs with health benefits. We ask that the term "earned income" in the last sentence be changed to include employer-paid health insurance premiums, such as: "Earned income includes employer-paid health insurance premiums, but does not include other fringe benefits, or reimbursement of the worker's employment expenses."

Our organization stands ready to assist you in any way possible to provide additional background information and support that you may need in drafting this bill.

Kind regards,

A handwritten signature in black ink, appearing to read "Kelly McCain", is written over a horizontal line.

Kelly McCain
IARP Oregon President