



Date: March 15, 2019

To: Management and Labor Advisory Committee (MLAC)

From: Katie Bruns, Return to Work Policy Analyst

Subject: Vocational and return-to-work data requested on issues related to HB 2413.

- 1. You asked if the Workers' Compensation Division (WCD) tracks the number of times an insurer did not voluntarily extend time loss (beyond 16 months) to match the vocational training period.**

The division does not have a tracking mechanism for this specific type of vocational dispute, so we do not have any data to provide. Individual insurers may be able to answer this question.

- 2. You asked for the number of vocational disputes the division receives on ineligibility decisions based on the suitable wage (80%).**

The division does not track disputes by this specific reason. To determine if the ineligibility was based solely on the suitable wage calculation, we would need to do a file review for every dispute. However, we do track total number of disputes and which party prevailed:

	Vocational disputes (total)	Outcome		
		Insurer prevailed	Worker prevailed	Other *
2012	177	35	14	128
2013	177	18	19	140
2014	132	23	20	89
2015	126	21	8	97
2016	115	23	16	76
2017	107	12	20	76
2018	138	13	17	108

*Other outcomes include: agreement letters; dismissal for claim disposition agreements (CDA); dismissal for other reasons.

3. You asked for data regarding return-to-work program usage from the past 7 years (2012-2018).

The Employer-at-Injury Program (EAIP) benefits may only be used prior to claim closure on both nondisabling and disabling claims. EAIP is initiated by the employer, and administered by the insurer. There is a long lag time between the injury date and when the department learns of EAIP use. This is why recent numbers may look low compared to prior years.

The Preferred Worker Program (PWP) benefits may be used after a closure or medically stationary status, and may be initiated by the employer-at-injury and the worker. There is also a lag time in this data.

	EAIP (# of workers)	PWP (eligible)	PWP Used benefit
2012	8,951	1,176	266
2013	9,100	1,702	318
2014	8,515	1,012	257
2015	8,010	849	205
2016	7,529	767	208
2017	7,899	795	223
2018	7,210	716	174

4. You asked for the number of workers who were eligible for vocational assistance and used vocational assistance benefits from 2012-2018. You also asked for the number of workers who complete a training plan.

The number of workers determined eligible from 2012-2018:

	Eligible	Ineligible
2012	373	351
2013	376	315
2014	291	320
2015	285	290
2016	290	314
2017	296	438
2018	265	364

Unfortunately, our data system does not easily capture the number of workers who used vocational assistance after they were determined eligible. This would require going through each individual claim and the division does not have the resources to capture this data at this time. Your question has highlighted an area in our data system that we can improve upon in the future.

We do have the number of workers who started training plans during the years used above.

	Training plans started	Training plans completed
2012	215	142
2013	158	92
2014	142	97
2015	115	70
2016	118	75
2017	104	54
2018	101	8

Training plans may be started and completed in separate years – so data for a particular year may include plans started a year (or two) prior. Training plans that started in 2017 and 2018 may still be in progress, so the data is not complete for those years. It can take several months for a training plan to begin after a worker is determined eligible. Also, data is provided by the insurer to the department several months after determination and plan start dates.

5. You requested copies of the studies that were referenced during the March 8, 2019, testimony from Lisa Broten and Kathy Wallace.

The references were to data that has been provided in the past by the division. The first was provided to MLAC members prior to the January 11, 2019 meeting and may be accessed here: <https://www.oregon.gov/dcbs/mlac/Documents/2019/1-11-19/voc-data-revised-101618.pdf>

The second reference to a study is a memo provided by the department prior to the same meeting. It may be accessed here: <https://www.oregon.gov/dcbs/mlac/Documents/2019/1-11-19/voc-training-goals-112918.pdf>