Oregon’s Employer At Injury Program: Not Too Good to Be True

Tim Kessel, Worksite Modification Consultant
How are the programs funded?

The Workers’ Benefit Fund (WBF) is a payroll assessment calculated on the basis of hours worked by all paid workers, owners, and officers covered by workers’ compensation insurance in Oregon, and by all workers subject to Oregon’s Workers’ Compensation Laws.

1.4¢ / hour worked

2.8¢ / hour worked into the WBF

1.4¢ / hour worked
Return to work programs

How are the programs designed?

Employer-at-Injury Program (EAIP)
• Available when the claim is open
• Speeds return to work, lowers claim costs, keeps workers working and productive
Employer at Injury Program (EAIP)

436-105-0003 - Re-organized Purpose of the Rules and General Provisions

• Housekeeping Changes

436-105-0005

• Modified the Definitions Section

436-105-0008(2)(a) - Reconsideration

(a) Parties directly affected by an Employer-at-Injury Program decision may request reconsideration by submitting a written request to the division no later than 60 days after the date the decision was issued.
Employer at Injury Program (EAIP)

When are you notified about EAIP by your Insurance Carrier?

- Upon acceptance or reopening of a claim; and
- Within five days of a worker's first release for work after claim opening unless the release is for regular work
- Notification language as listed below

Because of your worker's injury, you may be eligible for assistance through the Employer-at-Injury Program to return the worker to transitional work while the worker's claim is open. To learn more about the assistance available from the program, please call [insurer name and phone number].
Employer at Injury Program (EAIP)

Worker Must:

• Have an Oregon workers’ compensation injury or occupational disease claim at the time of the Employer-at-Injury Program
• Not be covered by the Injured Inmate Law
Employer at Injury Program (EAIP)

Employer Must:

• Maintain Oregon workers’ compensation insurance coverage
• Be the employer-at-injury
• Employing an eligible worker.
Employer at Injury Program (EAIP)

436-105-0500 - Insurer responsibilities

• The insurer must administer the Employer-at-Injury Program.

The insurer must assist an employer to:

• (a) Obtain from the medical service provider a medical releases
• (b) Identify a transitional work position:
Employer at Injury Program (EAIP)

Insurer responsibilities - cont’d

• The transitional work position must be within the worker's injury-caused limitations and may be created through modification of the worker’s regular work, job restructuring, assistive devices, worksite modification, reduced hours, or reassignment to another job;

• Unless the transitional work is skills building, the position must be within the employer’s course and scope of trade or profession; and

• When skills building is the transitional work, the worker must agree in writing to take the class or course of instruction;
Employer at Injury Program (EAIP)

Insurer responsibilities - cont’d

- Process employer wage subsidy requests
- Make worksite modification purchases
- Make Employer-at-Injury Program purchases and
- Request Employer-at-Injury Program reimbursement
What Starts the Employer-at-Injury Program?

436-105-0500 (5) Medical releases.

• A medical release must be related to the compensable injury or occupational disease or, if the claim has not been accepted or denied, the claimed workers’ compensation injury or occupational disease.
Employer at Injury Program (EAIP)
436-105-0500 (5) Medical releases - Cont’d.

• A medical release must:

• State the worker’s specific current or projected restrictions; or

• Indicate the worker is not released to regular work and be accompanied by an approval of a job description for the transitional work by the worker’s Physician

• A medical release that releases the worker to part-time work or fewer hours than the worker normally worked, must specify the worker’s hourly restrictions.
• A medical release must be dated and cover any period of time for which benefits are requested.

• The date a medical release is issued is considered the effective date if an effective date is not otherwise specified.

• A medical release, and any restrictions it contains, remains in effect until another medical release is issued.
Employer at Injury Program (EAIP)

436-105-0500 (5) Medical releases - Cont’d.

• If a medical release does not specify an end date and no subsequent medical release is issued, the medical release is effective for no more than 30 days.

• An employer or insurer may get clarification about a medical release from the medical service provider who issued the release any time before submitting the reimbursement request.
436-105-0500(6) Required documentation.

- The insurer must maintain all records and documentation of the Employer-at-Injury Program for a period of three years from the date of the last Employer-at-Injury Program reimbursement request.

- All documentation must be prepared before reimbursement is requested from the division. The insurer must maintain the following information at an authorized claim processing location:
Employer at Injury Program (EAIP)

436-105-0500(6) Required documentation - cont’d

- The worker’s claim file;
- Documentation from the worker’s medical service provider that the worker is unable to perform regular work due to the injury.
- Dated copies of all work releases from the worker’s medical service provider;
- Documentation of the transitional work including the start date, wage and hours, and description of the duties;
- A legible copy of the worker’s payroll records for the wage subsidy period.
Employer at Injury Program (EAIP)

Required documentation - cont’d
Payroll records must include:
• The date of payment;
• The dates of work covered by the payment;
• The rate or rates of pay and Gross Wages
• Whether the worker is paid by the hour, shift, day, or week or on a salary, piece, or commission basis;
• The number of overtime hours worked, if any, rate and pay for those hours;
Employer at Injury Program (EAIP)

436-105-0500(6) Required documentation - cont’d

• Documentation of the time of the appointment and hours.
• Wages for transitional work for any days in which a partial day’s reimbursement is requested.
• A legible copy of proof of purchase and payment.
• Verification the WSM or EAIP Purchases items were ordered during the Employer-at-Injury Program period.
Employer at Injury Program (EAIP)

436-105-0500(6) Required documentation - cont’d

• Documentation of the insurer’s approval of worksite modifications and EAIP Purchase

• Documentation, including course title and curriculum for a class or course of instruction, when Employer-at Injury Program purchases are requested.
What’s available?

- Wage subsidy - 45 percent of gross wages for transitional work:
  - Limited to 66 work days within a 24-consecutive-month period
  - May not start or end with paid leave
  - Paid leave cannot exceed hourly restrictions
Employer at Injury Program (EAIP)

**EAIP Purchases**

- **Clothing** - $400
- **Tools & Equipment** – combined with worksite modification for a total of $5,000
- **Extended Warranties** that are in addition to the standard or manufacturer’s warranty are not reimbursable
- **Tuition, books, and fees** - $1,000
Employer at Injury Program (EAIP)

Worksite Modification

- Up to $5,000 (combined with the Tools and Equipment category) for altering a worksite (rent, purchase, modify, or supplement)
- Must be ordered during EAIP
- Reimbursable if employer purchased in good faith and worker refuses to return to work
Employer at Injury Program (EAIP)

Worksite Modification (continued)

- Property of the employer
- Insurer determines appropriate worksite modification for worker
- Must link the modification to the accepted conditions
- Insurer documents reason for approval
Preferred Worker Program (PWP)

Worksite Modification

Panel Dolly

Tire Dolly

Rebar Tier

Task Chair

2 Person Ladder

Tools, equipment, and worksite redesign needed to overcome injury-caused limitations so the preferred worker can do the job.

Every situation is unique and the solutions are endless!
Preferred Worker Program (PWP)

Worksite Modification
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Worksite Modification
Employer at Injury Program (EAIP)

When does eligibility end?

• Claim is closed
• For Non-Disabling claims, the EAIP ends no more than 2 years from the date of first acceptance
• Worker or employer are no longer eligible
• Sanctions issued against employer
• Preferred Worker Benefits are Started
• Insurer can end EAIP at any time while claim is open or when PWP benefits are accessed
EAIP Case Study #1

Claim for thoracic (upper back) strain

Thought process?
1. Lowering Claims Costs by limiting/preventing timeloss
2. Improve work/station where possible

Limitations:
No LCPP >10 lb. (at first), alternate sitting and standing, only occasional reach/push/pull

Benefits utilized:
$1,672.58
EAIP Case Study

Claim for thoracic (upper back) strain
Light Duty/Transitional Work - Scanning Documents in Records Unit
• Can accommodate up to 8 light Duty Staff at one time
• Used EAIP to Purchase Scanners, Computers, Sit/Stand Desks, Chairs and Anti-Fatigue Mats
• Also Accessed Wage Subsidy Benefit

Light Duty/Transitional Work For Modified Regular Work - Custodian
• Purchased Walk Behind Vacuums and Floor Scrubbers
• Also Accessed Wage Subsidy Benefit
EAIP Case Study #3

Light Duty/Transitional Work - Animal Control Officer

- Unable to lift animals into back of truck due to temporary restriction
- Purchased lightweight ramps to allow animals to walk up into the trucks.
- Also used wage Subsidy Benefit
Suggestions for successful EAIP use:

• Identify EAIP jobs before the program is needed
• Encourage the use of EAIP benefits to offset costs (e.g., use wage subsidy reimbursement to hire a temp to help with lost productivity)
• Use EAIP reimbursements to fund safety and equipment purchases for the employer’s RTW programs
• Encourage creative use of the EAIP
Contact information

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Return to Work Program @ THPRD

Mark Hokkanen

Risk & Contract Manager
Objectives

- Return the injured worker to full duty at the earliest possible time
  - Enhances recovery
  - Maintains self-worth
  - Reinforces a positive work pattern
- Reduces claim costs
Leaderships Role

- Be proactive
- Educate employees
- Loss reporting
- Be flexible on modified work duties
Communication

• Vital with all parties
  • EE
  • Family
  • Supervisors
  • Physician
  • Carrier
  • Case Manager
Modified Work

• Temporarily placed in an existing job that is not as difficult or strenuous as normal job. Must meet attending physicians restrictions
Modified Work
Modified Work
Restricted Work

- Returns to normal position or job, but with restrictions placed by attending physicians
Restricted Work
Restricted Work
Restricted Work
Restricted Work
Temporary Work

• Specifically created to accommodate restrictions of the doctor. May have been previously established or created as injuries dictate
Temporary Work

Tualatin Hills Park & Recreation District
Yesterday at 10:24 AM · 🌐


THPRD.ORG
District Offers Out-Of-Service Park Signs for Free | THPRD
## Results

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Contact info

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