



Oregon provides funds to help get injured workers back to work — Part Two: PWP

By Kelly J. Niemeyer • April 23, 2015

The Oregon Workers' Compensation Division administers a multi-purpose fund from which the costs of several programs are paid. Like the EAIP discussed in Part One, the Preferred Worker Program (PWP) is another such offering you should review and use. And, like EAIP, new administrative rules have been updated as recently as March 1, 2015.

The PWP program is an Oregon program that encourages and subsidizes the costs of providing jobs to qualifying workers with existing or previous workers' compensation claims. Different from the EAIP, the PWP is a worker-activated and employer-at-injury activated program.

Workers eligible for the PWP include all of those who have accepted disabling claims with an Oregon subject employer that has complied with its coverage obligations under ORS 656. The claim does not have to be closed, but medical evidence must indicate the accepted medical conditions will prevent the worker from being able to return to regular employment.

Benefits Available under the PWP

Injured workers who apply and are accepted to participate in the PWP are provided a "Preferred Worker Identification Card." These preferred workers may then present their cards to prospective employers to certify that hiring them will qualify the employer to apply for certain PWP benefits. These benefits include:

- Three year exemption from workers' compensation premiums for the preferred worker (OAR 436-110-0325);
- Eligibility by the employer's workers' compensation insurer (or the employer itself if self-insured) for reimbursement of all claims costs associated with any new workers' compensation claims filed by the preferred worker (OAR 436-110-0330);
- Wage subsidy for wages paid the preferred worker for a limited amount of time (OAR 436-110-0335);
- Reimbursement for worksite modifications (OAR 436-110-0350) and obtained employment purchases (OAR 436-110-0345).

PWP subsidizes the costs of providing jobs to qualifying workers with existing or previous workers' compensation claims.

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Oregon funds to get the injured worker back to work (continued)

Insurer's Obligations under the PWP

First, you should seek assistance from a vocational assistance provider or Workers' Benefit Fund specialist for assistance in this regard. In general, insurers must notify the worker and employer at injury of assistance available from the PWP at specified stages of the claim process (OAR 436-110-0240 for notice requirements). Different from the EAIP, PWP reimbursements must be obtained by the employer upon direct application to the Workers' Compensation Division (with EAIP, the insurer serves as the intermediary). The procedures and instructions for employers to request assistance under the PWP are summarized in Bulletin No. 189. (http://www.cbs.state.or.us/wcd/policy/bulletins/docconv_12819/bul_189.pdf)

Reimbursements from the Program

Reimbursement for covered claim costs is addressed in OAR 436-110-0330. Reimbursements are available for the life of the claim and can include disability benefits, medical benefits, vocational costs, Claim Disposition Agreements, Disputed Claim Settlements, Stipulations and even attorney fees. Certain reimbursements are also available for denied claims up to the date of the denial.

While insurers cannot be expected to know the various intricacies of the PWP, trained staff at the Workers' Compensation Division are available to answer questions. If you have questions regarding the PWP program, feel free to contact me directly or any of the other Oregon Practice attorneys at here at Reinisch Wilson Weier PC. ■

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