

OJT and Retraining Plans

The Role of Employee Training in
Restoring Economic Status

Wage Replacement Rates in 2008 & 2009

DOI Wage/AWW	RTW with DOI--ER	RTW with different ER	All RTW
Up to \$320 (\$8.00/hr)	110%	153%	127%
\$321 to \$480 (\$8 - \$12.00)	101%	90%	97%
\$481 to \$700 (\$12 -\$17.50)	99%	73%	90%
\$701 & Up (\$17.53 +)	95%	58%	85%
All DOI Wages	99%	79%	92%

58% Wage Replacement Rate

	Wage at date of injury	Wage in new job
Hourly	\$18.00	\$10.44
Weekly	\$720.00	\$417.60
Annually	\$37,440	\$21,715

58% Wage Replacement Rate

	Wage at date of injury	Wage in new job
Hourly	\$30.00	\$17.40
Weekly	\$1,200.00	\$696.00
Annually	\$62,400	\$36,192

The Goals of Rehabilitation

- To restore the employee (EE) to a job related to the former employment or to a job in another area which produces an economic status as close as possible to that the employee would have enjoyed without disability.
- Rehabilitation to a job with a higher economic status than would have occurred without disability is permitted if it can be demonstrated that this rehabilitation is necessary to increase the likelihood of re-employment.

The Goals of Rehabilitation (cont'd)

- Economic status is measured not only by opportunity for immediate income, but by opportunity for future income.

The Goals of Rehabilitation (cont'd)

MN Rules 5220.0100 Subp. 34

- Suitable gainful employment: Employment which is **reasonably attainable** and offers an opportunity to **restore** the EE as soon as possible and as nearly as possible to employment which produces an **economic status** as close as possible to that the employee would have enjoyed without disability. **Consideration** is to be given to the employee's former employment, qualifications, age, education, previous work history, interests and skills.

Academic

- Minnesota Adult Basic Education Program
<http://mnabe.themlc.org>
 - * General Educational Development Diploma
 - * English as a Second Language (ESL)
 - * Basic Skills Enhancement
 - * Work Readiness/Workforce Preparation

Skills Enhancement

- Computer or technical classroom instruction
 - * Minnesota State Colleges and Universities
<http://www.mnscu.edu/index.php>
 - * Minnesota Private Colleges
<http://www.mnprivatecolleges.org>
 - * University of Wisconsin System
<http://www.wisconsin.edu>

Skills Enhancement (cont'd)

- * Wisconsin Association of Independent Colleges & Universities
<http://www.waicu.org/home>
- * Minnesota WorkForce Center System
<http://www.positivelyminnesota.com>
- * Community Ed On-line Classes
<http://www.ed2go.com>

On-The-Job Training

- Consider OJT as part of the rehabilitation and job placement plans when contacting employers and doing job development.
- Discuss with the insurer, employee and parties ahead of time so it is understood how the program works and its benefit (i.e. savings v. formal retraining).
 - * Agreement of parties on OJT form.

On-The-Job Training (cont'd)

- * The employer must pay the employee at minimum wage or greater:
 - * May be set up so ER pays EE less than a full wage to start and then increases so EE is receiving full wage by end of OJT.
 - * Can also be set up so EE is receiving full wage from ER and the ER then receiving full reimbursement from the IR for that period.

Note: Insurer must pay any wage loss benefits (i.e. between earnings and EE's DOI Wage/AWW) to the EE.

On-The-Job Training (cont'd)

- * If OJT is to exceed 6 months, justification is required.
- * OJT Plan Progress Evaluation Dates are required to ensure successful outcome.
- * OJT job description to include the physical demands and/or a job analysis should be performed to confirm job suitability.

On-The-Job Training (cont'd)

- * Include a copy of the EE's most current health care provider signed Report of Work Ability.
- * Itemize the costs of any special tools, classes, etc. required for the OJT program to be successful.

Mail completed copy to:

Department of Labor and Industry
 PO Box 64221
 St. Paul, MN 55164-0221
 (651) 264-5030 or
 1-800-342-5354 (DIAL-DLI)

On the Job Training Plan

PRINT IN INK or TYPE
 Enter dates in MM/DD/YYYY format.



DO NOT USE THIS SPACE

Private or confidential data you supply on this form will be used to process your workers' compensation claim. The data will be used by department of labor and industry (department) staff who have authorized access to the data, and may be used for state investigations and statistics. You may refuse to supply the data, but if you refuse your claim may be delayed or denied, or the form may be returned to you. The data will be made part of the department's file for your claim and may be supplied to: anyone who has access to the file or the data by authorization or court order; the employer and insurer for your claim; the office of administrative hearings; the workers' compensation court of appeals; the departments of revenue and health; and the workers' compensation reinsurance association.

WID or SSN		DATE OF INJURY	
EMPLOYEE NAME			
INSURER/SELF-INSURER/TPA			
INSURER CLAIM NUMBER		OJT JOB TITLE	
OJT EMPLOYER NAME		OJT BEGINNING DATE	
OJT EMPLOYER ADDRESS		OJT ENDING DATE	
CITY	STATE	ZIP CODE	OJT PLAN PROGRESS EVALUATION DATE(S)

Does this OJT employer intend to hire the employee upon completion of the OJT? Yes No

JOB DESCRIPTION (attach a job analysis, or describe the nature of the work, giving examples of duties)

Job must be within the employee's physical restrictions. ATTACH MEDICAL REPORT.

List the skills the employee will acquire through this training:

List supplies and tools needed during training (itemize costs):

	TOTAL COSTS	
WEEKLY WAGES AND WORKERS' COMPENSATION BENEFITS	Start of OJT	End of OJT
Weekly wages paid by OJT Employer		
Weekly workers' compensation benefits paid by Insurer		

RATIONALE FOR OJT: see Minn. Rule 5220.0850, subp. 2(N)
 [NOTE: Justification is required for plans EXCEEDING 6 months: see Minn. Rule 5220.0850, subp. 3]

ACCEPTED PLAN: If all parties are in agreement with (and have signed) this OJT Plan, submit it to the Department with the required attachments for approval or denial (see Minn. Rule 5220.0850, subp. 4).

Employee Signature	Print or type name	Phone number	Date
Insurer Representative Signature	Print or type name	Phone number	Date
OJT Employer Signature	Print or type name	Phone number	Date
OJT Trainer Signature	Print or type name	Phone number	Date
QRC Signature	Print or type name	Phone number	Date
QRC Number			

INSTRUCTIONS TO QRC

DISPUTED PLAN: To resolve a disputed OJT Plan, call the Department's Benefit Management and Resolution Unit at (651) 284-5032, and/or file a Rehabilitation Request (see Minn. Rule 5220.0850, subp. 5). **DO NOT SUBMIT A DISPUTED PLAN to the Department without attaching it to a Rehabilitation Request, unless a Rehabilitation Request has been filed or will be filed by another party.**

This material can be made available in different forms, such as large print, Braille or on a tape. To request, call (651) 284-5030 or 1-800-342-5354 (DIAL-DLI)/Voice or TDD (651) 297-4198.

ANY PERSON WHO, WITH INTENT TO DEFRAUD, RECEIVES WORKERS' COMPENSATION BENEFITS TO WHICH THE PERSON IS NOT ENTITLED BY KNOWINGLY MISREPRESENTING, MISSTATING, OR FAILING TO DISCLOSE ANY MATERIAL FACT IS GUILTY OF THEFT AND SHALL BE SENTENCED PURSUANT TO SECTION 609.52, SUBDIVISION 3.

For Department Use Only

<input type="checkbox"/> Approved <input type="checkbox"/> Denied			
DLI Representative Signature	Print or type name	Phone number	Date
Reason for denial:			

What is retraining?

- A rehabilitation service in which the employee attends a formal course of study in a school setting which is designed to train an employee to return to suitable gainful employment. M. S. 176.102 Subd. 17a.
- Adult Basic Education or remedial programs may be a component of a retraining plan, but do not constitute retraining in and of themselves.

What retraining plans can be proposed?

- Maximum of 156 weeks of retraining.
- Vocational programs in public or private vocational school.
- Occupational programs in community colleges.
- Bachelors degrees.
- Graduate programs.

When is an employee to request retraining?

- For employees with dates of injury from 10/1/2000 through 9/30/2008:

Any request for retraining shall be filed with the commissioner before 156 weeks of any combination of temporary total or temporary partial compensation have been paid. Retraining shall not be available after 156 weeks of any combination of temporary total or temporary partial compensation benefits have been paid unless the request for the retraining has been filed with the commissioner prior to the time the 156 weeks of compensation have been paid.

When is an employee to request retraining? (cont'd)

- For employees with dates of injury on or after 10/1/2008:

Any request for retraining shall be filed with the commissioner before 208 weeks of any combination of temporary total or temporary partial compensation have been paid. Retraining shall not be available after 208 weeks of any combination of temporary total or temporary partial compensation benefits have been paid unless the request for the retraining has been filed with the commissioner prior to the time the 208 weeks of compensation have been paid.

What constitutes a request for retraining?

- The Court will make a determination as to whether a filing of a Rehabilitation Request or a Claim Petition satisfied the time frame when the employee seeks approval of a retraining plan

When is a QRC to consider retraining?

- Retraining is to be given equal consideration with other rehabilitation services and proposed if other rehabilitation services are not likely to lead to suitable gainful employment. MN Rules 5220.0750 Subp. 1.
- The QRC is to consider the employee's prospects for restoring their economic status through return to work with the date of injury employer, through job placement, and/or through retraining.

When is a QRC to consider retraining? (cont'd)

- In Budke v. Insurance Management / Sedgwick, (8/26/2010), the WCCA found that the exploration of retraining was reasonable and does not require that the Poole factors be met. As long as the EE has an impaired earning capacity as a result of the work injury, she is entitled to an evaluation for the purposes of developing a retraining plan.

When the QRC recommends an exploration of retraining.

- The QRC should propose an Exploration of Retraining on the R-3 Rehabilitation Plan Amendment.
- * MN Rules 5220.0150 Subp. 1C and 3
- Rehab Service Code: 17-Exploration of Retraining.

Mail completed copy to:

Department of Labor and Industry
 PO Box 64221
 St. Paul, MN 55164-0221
 (651) 284-5030 or
 1-800-342-5354 (DIAL-DLI)

R-3 Rehabilitation Plan Amendment

PRINT IN INK or TYPE
 Enter dates in MM/DD/YYYY format.



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1. WID or SSN 7654321	2. DATE OF INJURY 10/31/2008	3. DATE OF REHABILITATION CONSULTATION: (#27 on R-2) 11/17/2008	
4. EMPLOYEE NAME DOLLY LABOR		8. QRC NAME BETTY KANT	
5. INSURER/SELF-INSURER/TPA INSURANCE MUTUAL		9. ADDRESS 101 WAYS BLVD	
6. INSURER CLAIM NUMBER WC 64221		CITY TUBEDONE	STATE ZIP CODE MN 55000
7. EMPLOYER NAME WIAMIHIERE LOGISTICS		10. QRC # 313	11. QRC FIRM # 0200
		12. PHONE NUMBER (612) 999-9999	
13. CHANGE OF QRC <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		PREVIOUS QRC #	
14. WITHDRAWAL OF QRC? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		NEW QRC #	

15. PROPOSED AMENDMENT/RATIONALE (attach separate sheet as necessary)
 Continue date and cost of rehabilitation plan. Ms. Labor continues an active job search to secure suitable employment. She will also engage in vocational exploration activities to determine if retraining should be pursued.

16. EMPLOYEE COMMENTS

17. Costs	Plan costs to date \$3,100.00	Other costs necessary to complete plan \$2,972.00	Estimated total cost \$6,072.00
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18. Plan duration from plan filing date (in weeks)	Duration to date 26	Expected additional duration to plan completion 26	Estimated total duration 52
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19. Specify any additional rehabilitation services or changes to the current plan that will be required:

SERVICE CATEGORY and CODE (from VRI)	DESCRIPTION	PROJECTED	
		COMPLETION DATE	COST
13 Voc. Counseling	Mtg.'s and communications w/EE and parties	11/30/2009	\$350.00
17 Explore Retraining	Assist EE w/exploration activities to identify job areas	11/30/2009	\$300.00
10 Job Placement	By Vendor-Perfect Placement @ 12-15 hrs/mth	11/30/2009	\$2,122.00

20. Is this form being filed in lieu of a Plan Progress Report? Yes No If yes, complete #21-23.
 See Minn. Rule 5220.0450, subp. 3.A.

21. Is the employee released to return to work? <input type="checkbox"/> Yes, with restrictions <input type="checkbox"/> Yes, without restrictions <input type="checkbox"/> No	Medical report date
22. Current work status: <input type="checkbox"/> Not working <input type="checkbox"/> Part time <input type="checkbox"/> Full time <input type="checkbox"/> Seasonal layoff	If working, is this a temporary job? <input type="checkbox"/> Yes <input type="checkbox"/> No
23. Do barriers to successful completion of the rehabilitation plan exist? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, list these on a separate sheet along with the measures to be taken to overcome those barriers, and attach it to this form.	

Employee Signature	Date
Claim Representative Signature	Date
QRC Signature <i>Betty Kant</i>	Date 05/30/2009

What if the insurer disagrees with exploring retraining?

- The insurer should file a rehabilitation request (RFA) form. MN Rules 5220.0510 Subp. 2b
- If the insurer doesn't do this within a reasonable period of time the QRC should file the RFA form with DLI proposing the exploration of retraining.
- An Administrative Conference will then be scheduled.

When is a QRC to consider retraining? (cont'd)

- Retraining may be considered when there is a loss of earning capacity not just loss of actual earnings.
- David Erickson v. City of St. Paul, (4/16/2007). The WCCA in this case explained that “A loss of earning capacity is not synonymous with actual earnings.”. Additionally, the WCCA stated “there is no basis in the statute to consider disability income (PERA) when determining an EE’s eligibility for retraining assistance...”.

Poole v. Farmstead Foods (1989)

- **First Poole Factor:** Reasonableness of retraining as compared to returning to work with employer or other job placement activities.

Should Consider:

- Return to work options with date-of-injury employer.

First Poole Factor (cont'd)

Should Consider: (cont'd)

- Education background, employment history, transferable skills.
- Adequacy of job search within restrictions.
- * Likely prospects for employment in the labor market through additional job search.
- Impaired earning capacity due to the work injury without retraining.

Poole Factors (cont'd)

- **Second Poole Factor:** Likelihood that employee has the ability and interest to succeed in a formal course of study in a school.

Should Consider:

- * Interest Inventories
- * College Transcripts
- * Aptitude Tests
- * Intelligence Tests
- * Restrictions consistent with training & work

Poole Factors (cont'd)

- **Third Poole Factor:** Whether retraining is likely to result in reasonably attainable employment.

Should Consider:

- * Labor market information & documentation
- * Availability of training related jobs within restrictions

Poole Factors (cont'd)

- **Fourth Poole Factor:** Whether retraining is likely to produce an economic status as close as possible to that which the employee would have enjoyed without disability.

Should Consider:

- * Wages & benefits for training related jobs.

Retraining Rationale

- MN Rules 5220.0750 Subp. 2F

A narrative rationale describing the reasons why retraining is proposed, including a summary comparative analysis of other rehabilitation alternatives and information documenting the likelihood that the proposed retraining plan will result in the employee's return to suitable gainful employment.

Suggest:

Framing the narrative report using the Poole factors.

Other Retraining Considerations

Cost as a Consideration:

- Under Rovinsky v. Paulson Super Value, (1993), the WCCA ruled that the anticipated \$50,000 for respiratory therapy training was excessive in light of the employee's minimal lost earning capacity.
- Varda v. Northwest Airlines, 692 N.W..2d 440, (Minn. 2005). The Minnesota Supreme Court held that where there are two retraining programs appropriate and reasonable "the deciding factor in determining which program is necessary becomes cost".

Other Retraining Considerations (cont'd)

Cost as a Consideration:

- Polecheck v. State, Dept. of Natural Resources, et al., (10/5/2009). The WCCA ruled that a nearby less expensive public college offering the same degree be used rather than the more expensive private college in the retraining plan.
- Rowbottom v. LTV Steel Mining, (1/27/2003). The WCCA ruled that where the ER/IR did not offer alternative programs to the proposed 4 year degree that the EE had requested and the proposed 4 year program was reasonable and necessary to restore lost earning capacity.

Other Retraining Considerations (cont'd)

Prior Job Search Required?

- In Kostreba v. Stay Clean Janitorial, (7/31/1990), the WCCA concluded that an employee is not necessarily required to conduct a job search prior to retraining.
- Custer v. I.S.D. 2154, (2/28/2007). The WCCA ruled approval for a M.S. degree program even though the employee had not conducted a job search. The judge found that even if job search was feasible the employee was not likely to replace her previous earnings given her restrictions.

Other Retraining Considerations (cont'd)

Is Age a Barrier?

- In Boland v. United Van Bus, the employee would have been 60 upon completion of retraining. The WCCA ruled that length of future career is not a bar to an appropriate retraining plan.

Other Retraining Considerations (cont'd)

Can Fringe Benefits be a Factor?

- Under Yonke v. Continental, (2001), the WCCA ruled that there was a disparity between the employee's wage and fringe benefits at the time of injury and in the new job. The proposed retraining plan was therefore approved..

Other Retraining Considerations (cont'd)

Fringe Benefits: (cont'd)

- Under Anderson v. Ford Co, (8/12/1991) the WCCA ruled that performance bonus, shift differential, overtime, attendance bonus, accrued holidays and vacation pay count in weekly wage in relation to a retraining plan.

Can a Bachelor's degree college program be approved?

- In Anderson v. Metropolitan Mechanical Contractors, (10/19/1999), the WCCA approved a four year bachelor's degree program in construction management.
- Sever v. Radotich Heating & Sheet Metal, (11/22/1999) the WCCA affirmed a four year degree in accounting.

Can a Master's degree college program be approved?

- Custer v. I.S.D. 2154, (2/28/2007). The WCCA affirmed the award retraining in a M.S. degree program.
- In Erickson v. City of St. Paul, (4/16/2007), the WCCA approved a Master's degree program in public administration.

Approval of retraining plans retroactively?

Approved:

- Under Reitan v. Kurt Manufacturing, (MN Supreme Court 1997), retroactive approval of a retraining plan was permitted where the employee attended a retraining program under a dislocated worker program and where the employee did not have a QRC.

Approval of retraining plans retroactively?

Denied:

- Walbridge v. Northern Hydraulics, (MN Supreme Court affirmed 3/17/2005). The EE did not prove her claim for retroactive approval of retraining as she could have found a job with her current skills paying the same pre-injury wage.
- Rohr v. University of Minnesota, (7/16/1993). The WCCA denied the request as there was evidence the EE possessed transferable skills she could have used for employment in the area she was training in. In addition the QRC failed to file an R-3 to include the retraining plan as part of the employee's rehabilitation plan.

What if the employee is not released to return to work?

And the 104/156/208 time frame for requesting retraining is approaching?

- Employee/QRC might consider contacting the treating physician to determine
 - 1) If EE could physically tolerate being in a classroom all day, and
 - 2) If the proposed retraining goal would be within projected physical limitations when the EE was released to RTW.

Employee not released (cont'd)

If the answer is yes, to both of the above, the doctor should indicate this in writing.

- Smothers v. Nelson & Sons Masonry, (10/30/2003). The WCCA affirmed that “while it is helpful to have permanent work restrictions before preparing a retraining plan, they are not required ... the EE would clearly not be returning to his pre-injury job ... and will need more sedentary activities.”.

Mali completed copy to:

Department of Labor and Industry
PO Box 54221
St. Paul, MN 55164-0221
(651) 284-5030 or
1-800-342-5354 (DIAL-DLI)

Retraining Plan

PRINT IN INK or TYPE
Enter dates in MM/DD/YYYY format



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WID or SSN	DATE OF INJURY	
EMPLOYEE NAME		
EMPLOYER NAME		
INSURER/SELF-INSURER/TPA		
INSURER CLAIM NUMBER	CLAIM REPRESENTATIVE	PHONE NUMBER

Pre-injury job title	Pre-injury wage	Current compensation rate	
Occupational goal(s)	Anticipated wage (from Labor Market Survey) to		
Certificate/Degree program title	Program length (weeks)	Program start date	Program completion date
School name	City, State		

ITEMIZED COSTS:

Tuition/Lab/Activity fees		* Explain (for example, tutoring, board and lodging)
Books/Tools		
Special/Unique costs*		
Custodial Day Care		
Travel/Parking		
Total retraining costs (excluding wage benefits)		

REQUIRED ATTACHMENTS: Pursuant to Minn. Rule 5220.0750, subp. 2(H), the following items MUST BE ATTACHED.

- Course syllabus/class titles.
- Physical requirements of the job for which the employee is being trained. (On-site job analysis is preferred.)
- Medical information that the training and the occupational goals are within the employee's restrictions.
- Test results which support course choice.
- Recent labor market survey.

RETRAINING RATIONALE: see Minn. Rule 5220.0750, subp. 2(F)

ACCEPTED PLAN: If all parties are in agreement with (and have signed) this Retraining Plan, submit it to the Department with the required attachments for approval or denial (see Minn. Rule 5220.0750, subp. 5).

Employee Signature	Print or type name	Phone number	Date
Insurer Representative Signature	Print or type name	Phone number	Date
QRC Signature	Print or type name	Phone number	Date
QRC Number			

INSTRUCTIONS TO QRC

NOTE: Retraining is limited to 156 weeks.

DISPUTED PLAN: To resolve a disputed Retraining Plan, call the Department's Benefit Management and Resolution Unit at (651) 284-5032 and/or file a Rehabilitation Request (see Minn. Rule 5220.0950). **DO NOT SUBMIT A DISPUTED PLAN to the Department without attaching it to a Rehabilitation Request, unless a Rehabilitation Request has been filed or will be filed by another party.**

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For Department Use Only

<input type="checkbox"/> Approved <input type="checkbox"/> Denied			
DLI Representative Signature	Print or type name	Phone number	Date
Reason for denial:			

Retraining Plan Attachments

- Course Syllabus/Class Titles
 - * Print copy of degree program and required classes.
- Physical requirements of the job for which the Employee is being trained (On-Site job analysis preferred).
 - * Pay attention to the physical demands (i.e. 30 lb. lift) rather than category (i.e. medium duty, which ranges to 50 lbs.) for suitability.

Medical Attachments

- Medical information that the training and the occupational goals are within the Employee's restrictions.
 - * Physician signed Report of Work Ability form.

(or)

- * Physician statement the proposed job is suitable.

Vocational Testing or Evaluation Attachments

- All vocational testing or evaluation results are to be included. MN Rules 5220.0750 Subp. 2H. Also see MN Rules 5220.0100 Subp. 36 and 38.
- Subp. 36. Vocational evaluation.
"Vocational evaluation" means the comprehensive assessment of vocational aptitudes and potential, using information about a qualified employee's past history, medical and psychological status, and information from appropriate vocational testing, which may use paper and pencil instruments, work samples, simulated work stations, or assessment in a real work environment.

Vocational Testing or Evaluation Attachments (cont'd)

- Subp. 38. Vocational testing.
"Vocational testing" means the measurement of vocational interests, aptitudes, and ability using standardized, professionally accepted psychometric procedures.
- Aptitude/Intelligence Test – a test to determine whether someone is likely to be able to develop the skills required for a specific kind of work.

Vocational Testing or Evaluation Attachments (cont'd)

- Achievement Test --- a standardized test to measure acquired learning, in a specific subject area such as reading or arithmetic, in contrast to an intelligence test, which measures potential ability or learning capacity.

Achievement Tests (e.g. WRAT, Accuplacer, etc.) are to determine remedial classes and/or if certain aptitude tests cannot be administered. They do not determine if an EE will be successful in a proposed school program.

Retraining Plan Attachments (cont'd)

Note:

If the vocational evaluation report doesn't identify the proposed retraining goal then provide documentation of compatibility between the aptitude test results and the intended job area.

Retraining Plan Attachments (cont'd)

- * A transferable skills analysis (TSA) or college transcripts may also be considered.
- * Interest Testing – Such as the Career Assessment Inventory (CAI) and/or Strong Interest Inventory.
- * Personality Testing – Such as the Meyers–Briggs, which demonstrates best forms of learning and identifies specific job matches.

Requesting a Vocational Evaluation

- Suggestion: When requesting a vocational evaluation, consider asking the evaluator to:
 1. Administer achievement test. Identify if remedial classes are required and possible resources near the EE's home to begin right away.
 2. Administer standardized interest testing.

Requesting a Vocational Evaluation (cont'd)

3. Administer personality test to identify job types and learning style.
4. Administer aptitude or intelligence testing which will provide a list of jobs the EE has the likely ability to be successful at.

Requesting a Vocational Evaluation (cont'd)

5. In the summary of the vocational report, the evaluator should examine and identify the key results of each test, plus the EE's physical abilities to identify specific jobs the EE might do. For instance, an EE with high achievement, aptitude, and interest scores in mathematics might do well in a sedentary duty job such as accountant, bookkeeper, actuary, etc.
6. Ask the evaluator to identify two types of jobs 1) Requiring minimal to no training and 2) Technical and/or college training.

Retraining Plan Attachments (cont'd)

- Recent Labor Market Survey
 - * Recent employer contact sheets addressing:
 - * Physical demands of job and if job modifications are possible.
 - * Current and projected job openings.
 - * Current & projected in AWW format.

Retraining Plan Attachments (cont'd)

- Sources for wage & employment support data:
 - * The most current DEED wage and employment projection information <http://www.positivelyminnesota.com>.
 - * ISEEK.org; Minnesota Future Work --- mnfuturework@so.mnscu.ed might be considered. Also has a mthly e-newsletter.

What if the insurer disagrees with a proposed retraining plan?

- In case of dispute about a retraining plan, any party may file a rehabilitation request for assistance form according to MN Rules 5220.0950.
- If the QRC knows there is an objection and the insurer hasn't filed a RFA, after a reasonable period of time, the QRC should file a Rehabilitation Request with the Retraining Plan with DLI.
- An Administrative Conference will then be scheduled.

When both parties agree to the Retraining Plan.

- The QRC shall submit the Retraining Plan **signed by both parties**, the rationale, and supporting documents to DLI.
- DLI will review the plan within 30 days and notify parties of approval or denial.

Both Parties Agree (cont'd)

- DLI may ask for additional information, confer with the parties, recommend modifications, and seek agreement about the plan.
- If the QRC does not respond to the request for additional information within an identified time period, DLI will make a determination if the retraining plan is approved or denied.

What wage loss benefits are due during retraining?

Temporary Total Disability benefits (TTD): M. S. 176.102 Subd. 11(b)

- If the employee is not employed during a retraining program that has been specifically approved, under this section, TTD is payable up to 90-days after the end of the retraining plan; except that, payment during the 90-day period is subject to cessation in accordance with M. S. 176.101.
- TTD during retraining is not subject to the 104 week limit.

Wage loss benefits due? (cont'd)

Temporary Partial Disability Benefits (TPD): M. S.176.102
Subd. 11(b)

- If the employee is employed during a retraining program, but earning less than at the time of injury, TPD is payable at the rate of 66-2/3 percent of the difference between the EE's weekly wage at the time of injury and the weekly wage the EE is able to earn in the EE's partially disabled condition, subject to the maximum rate for temporary total compensation.
- TPD during retraining is not subject to the 225 and 450 week limitations.

Rehab Plan Closures with Retraining

YEAR	NUMBER	PERCENT
2008	12	0.2%
2009 through Sept. 30th	15	0.4%

Costs of Retraining in 2008

In relation to 2008 premium dollars:

Total Workers' Compensation Costs:
\$ 1,478,000,000

Total Billed Retraining Costs:
\$ 302,500

Retraining is .02% of the total WC costs