

Section	Policy
40	43.20.30.10

Section Title: Benefits Administration - Vocational Rehabilitation
Subject: Rehabilitation Services for Part-time Workers
Effective Date: January 27, 1992

POLICY PURPOSE

The WCB's goal for claimants in receipt of rehabilitation services is to provide them with the capability of replacing their pre-accident earnings through the provision of skills which allow them to competitively pursue permanent employment so that their post-accident earnings, to the greatest extent possible, are equal to their earnings at the time of the compensable injury.

This policy describes what rehabilitation services can be provided to a worker who was engaged in part-time employment at the time of a compensable accident, and under what conditions these services may be applied, as applicable before or after January 1, 1992.

This is a specialized policy which represents a component of vocational rehabilitation but, in order to consider the issues in their broadest context, the policy must be applied using the principles defined by Policy 43.00, *Vocational Rehabilitation*.

A. POLICY

When a part-time employment pattern has been established, the worker may be granted time to seek equivalent part-time work prior to the institution of the normal expectations. At the end of that time period all the wage-loss benefits to which the worker would normally be eligible would continue to apply.

For the purposes of this policy, the following definition applies:

A permanent part-time worker is a worker who is not a casual worker but one who:

- a) works 32 hours a week or less; or
- b) generally works 75% or less of the "normal hours" worked in a given pay period in a specified position; and
- c) has worked that pattern or equivalent hours for longer than 12 consecutive months preceding the injury.

ON OR AFTER JANUARY 1, 1992

1. An injured worker may be eligible for special part-time benefits set forth in paragraph 2 when:
 - a) he or she meets the definition of a part-time worker listed above, and
 - b) he or she has recognized and accepted the conditions of eligibility and has chosen part-time benefits over a program designed to find full-time employment, and

- c) he or she has established a written rehabilitation plan in consultation with a Vocational Rehabilitation Consultant, and has included this period of active job search as part of his/her overall plan.
2. The worker who meets the eligibility criteria for this program is entitled to the following benefits for the duration of the program.
 - a) The worker is entitled to restrict job search activities to part-time employment while in receipt of regular benefits.
 - b) The worker's part-time restrictions will apply to the calculation of wage loss for which the worker is eligible in that wage loss will reflect the actual hours rather than the hours for a full-time worker.
 3. At the completion of the period allotted for job search, the worker shall continue to be eligible for those wage-loss benefits for which the worker would normally be eligible but the special provisions designed to provide an opportunity for part-time employment no longer apply.

PRIOR TO JANUARY 1, 1992

1. A disabled worker may be eligible for special part-time benefits set forth in paragraph 2 where:
 - a) he or she meets the definition of a part-time worker listed above, and
 - b) he or she has recognized and accepted the conditions of eligibility and has chosen part-time benefits over a program designed to find full-time employment, and
 - c) he or she has established a written rehabilitation plan in consultation with a Vocational Rehabilitation Consultant, and has included this period of active job search as part of his/her overall plan.
2. The worker who meets the eligibility criteria for this program is entitled to the following benefits for the duration of the program.
 - a) The worker is entitled to restrict job search activities to part-time employment while in receipt of regular benefits.
 - b) The worker's part-time restrictions will apply to the calculation of wage loss for which the worker is eligible in that wage loss will reflect the actual hours rather than the hours for a full-time worker.
3. At the completion of the period allotted for job search, the worker shall continue to be eligible for those rehabilitation benefits for which the worker would normally be eligible but the special provisions designed to provide an opportunity for part-time employment no longer apply.

B. REFERENCES

The Workers Compensation Act, section 27(15) (**Prior to January 1, 1992**)

The Workers Compensation Act, section 27(20) (**After January 1, 1992**)

WCB Policy 43.00, *Vocational Rehabilitation*

History

- 1) Policy 43.20.30.10 established by Board Order 6/92 effective January 27, 1992, as of January 27, 1992.
- 2) Minor formatting and wording changes were made to the policy, June 27, 2012.

C. ADMINISTRATIVE GUIDELINES

Eligibility for part-time benefits, and the specific program for individual workers, must be based on the supervisor's approval.

Benefits based on the recognition of part-time employment are generally extended for a minimum of eight weeks but will be established on the basis of the following:

- a) If the worker has more than eight years experience then the period of job search shall be extended by one week for each year of part-time work up to a maximum of 20 weeks.
- b) the period of entitlement for workers with less than 20 years of part-time work may be extended up to the 20 week maximum if such adjustment is warranted on the basis of:
 - (i) limited transferable skills
 - (ii) the absence (confirmed by market surveys) of immediately available work in the occupations for which the worker is qualified combined with a recognition that such work is reasonably available in a longer time frame.
 - (iii) pre-accident earnings which necessitate more selective job search activities to replace the earnings loss.
- c) the period of entitlement may be shortened with reference to the reverse of any of the criteria in section b).