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GUIDE FOR PREPARING REEMPLOYMENT BENEFITS ELIGIBILITY EVALUATIONS

INTRODUCTION

The Reemployment Benefits Administrator (RBA) and staff are sending you this guide to assist you in preparing your reemployment benefits eligibility evaluation report. **Please review this guide carefully before beginning any work on the file that has been assigned to you**. Thereafter, the guide may prove a handy reference for completing your assignment. If you have questions about procedures or the evaluation process, please call the Reemployment Benefits staff at (907) 269-4985.

While workers' compensation claims may, by nature, be adversarial, we are asking you to conduct a professional, objective evaluation to assist this office in determining if the assigned employee is eligible for reemployment benefits. You are conducting the evaluation for this office and, while the employer/insurer is paying your fees as required, you should not take direction from them. Likewise, while you have ethical considerations regarding the employee as your client, you also are ethically bound to work within the laws and statutes of the Alaska Workers' Compensation Act (Act).

The determination of eligibility for reemployment benefits that arises from this process is exactly that and only that. The eligibility evaluation process is not the time to get into vocational exploration with the employee about potential reemployment benefit plan goals. That service is part of the benefits an employee receives if they are found eligible for, and elect to receive, reemployment benefits.

Evaluation Deadlines:

There are very stringent deadlines for completing eligibility evaluations. The Act mandates that the eligibility evaluation be completed within 30 days; therefore you must give immediate attention to the file. If you are unable to do this, contact our office and we will reassign the file to another rehabilitation specialist. If you are going to be unavailable for a period of time for vacation or personal matters, advise this office in writing so we do not make assignments you cannot timely complete.

It is expected that you, as the assigned rehabilitation specialist, will personally

1. be the primary contact for the employee and employer/insurer;
2. conduct the interviews with the employee and employer;
3. select the appropriate DOT titles;
4. determine whether SVP has been met and which titles are submitted to a physician;
5. meet with the physician, if necessary;
6. evaluate physician responses;
7. evaluate an employer's offer of alternate employment;
8. evaluate previous rehabilitation and dislocation benefits in previous claims;
9. make a recommendation regarding the employee's eligibility and
10. review and sign all reports and accompanying forms.

Remember that eligibility evaluation assignments are made to rehabilitation specialists, not to rehabilitation firms.

Extension Requests:

Eligibility evaluation reports "shall" be completed within 30 days. One 30-day extension may be permitted if there are **unusual and extenuating circumstances** that prevent you from completing the evaluation within 30 days. You must submit a letter explaining the circumstances and request a 30-day extension on or before the 30th day. The administrator will decide whether a 30-day extension can be granted. If an extension is granted, you will be allowed an additional 30 days in which to complete the evaluation (60 days total from date of referral). If you are still lacking any essential information at the 60-day point, you must submit a thorough report addressing all the eligibility criteria, documenting all the information that you have gathered and what information you lack to complete the evaluation. DO NOT simply submit another extension request or a status report. If you fail to submit a thorough report in this 60-day period, the evaluation may be reassigned to another rehabilitation specialist. If you show repeated failure to file timely reports, you may be removed from the list of rehabilitation specialists.

THE EVALUATION PROCESS

In order to complete the evaluation process in a timely manner, you must do the following immediately after receiving the assignment letter.

1. Contact the insurer to obtain all medical records, the Report of Occupational Injury or Illness and a copy of a compensation report documenting the injured worker's gross weekly wage. If you are unable to contact the insurer, or the insurer does not return your phone call within a day or two, contact us immediately.

2. Contact the employee and arrange for an in-person interview. An in-person interview is strongly preferred. However, in the event an in-person interview is not cost effective, a telephonic interview may be conducted. If you are unable to contact the employee, or the employee does not return your phone call within a day or two, contact us immediately.

3. Contact the doctor to determine whether a written request or an in-person appointment will result in the timeliest response. If an in-person meeting with the physician is necessary to expedite the process, notify the adjuster and schedule the appointment.

Interview with the Employee:

AS 23.30.041(e)(1) and 8 AAC 45.525(a) require you to interview the employee to obtain a description of tasks and duties of the employee's job at time of injury. After you obtain this information, you must select a job title or titles from the Dictionary of Occupational Titles Revised 4th Edition (1991)[1] (DOT) that best describe(s) the majority of the employee's tasks/duties in the job at time of injury. You must strictly comply with the physical capacity description set forth in the SCODRDOT**,** even where the employee's job and like jobs in the labor market require greater physical capacity than that described in that publication. (Konecky v. Camco Wireline, 920 P.2d 277 (Alaska 1996)). Do not rely on the employee's "selection(s)" as you have the ultimate responsibility to use your professional judgment to choose the most appropriate title or titles. More than one DOT title may be necessary; however one job title is usually sufficient. If more than one DOT job title is needed to describe the job, apportion the time spent on each job title. (For example, a commercial pilot for a very small airline may be required to spend 75% of his time flying the plane and 25% of his time loading and unloading baggage and cargo). Specific vocational preparation (SVP) is not a factor under (e)(1); all identified titles used to represent the job at time of injury are submitted for physician review.

AS 23.30.041(e)(2) and 8 AAC 45.525(b) require you to interview the employee and obtain descriptions of the tasks and duties for other jobs the employee has held or for which the employee received training within 10 years before the injury, and any jobs held and/or training received after the injury including light duty assignments with the employer at the time of injury.[2] Ask about all gaps in the work history. If someone has been incarcerated, it is possible they performed jobs in the facility; these will need to be included in the evaluation as well. You must select DOT titles for every job that best describe the majority of the employee's tasks/duties for that particular job. If more than one DOT title is needed to describe a particular job, apportion the time spent on each job title.

To complete an evaluation you must obtain details regarding any education or training the employee received in the applicable time frame. It may be necessary to evaluate a transcript (request one immediately: you can go online with the employee in the University of Alaska system as applicable) or other appropriate education/training records to identify an appropriate DOT title or titles for which the education/training may have prepared the employee.

You must also compare the time the employee worked at each job, and/or time spent in

[1] The act and regulations only reference the "Selected Characteristics of Occupations Defined in the Dictionary of Occupational Titles" (SCODRDOT). This guide document acknowledges that descriptions are actually found in the Dictionary of Occupational Titles (DOT) and the complete physical demands are found in SCODRDOT.

[2] We do not use transferable skills in evaluating eligibility for reemployment benefits. A transfer of skills analysis is **not** necessary when completing an evaluation. Additionally, jobs held by a worker before reaching the age of majority (18) are **not** applied to the eligibility work history.

training/education, with the SVP requirement according to the SVP codes as described in the SCODRDOT for that particular DOT title (8 AAC 45.525(b)(2)). You must document whether the employee's work experience and/or education/training has met the SVP[3] codes. When evaluating whether SVP is met, consider the entire time from ten years prior to the injury to the present. The employee may have met the SVP for a DOT title over the course of employment with multiple employers and/or in combination with education/training. They also may have met the SVP for a higher level job through progression through lower level jobs in the same industry. If, in apportioning the time spent when utilizing multiple titles to describe a job, you documented that the employee spent 25% of their time in one title, then only count 25% of the time in that job toward that title's SVP. It is possible that a particular job or education/training activity straddles the work history and the period prior to the work history. Only count the segment that occurred within the work history. DO NOT consider any time in jobs or education/training that occurred outside the applicable evaluation period.

When you interview the employee, ask if they have ever been rehabilitated in a former workers' compensation claim and/or received a dislocation benefit (8 AAC 45.525(d)). If the employee has ever been rehabilitated in a former workers' compensation claim and/or received a dislocation benefit, regardless of whether it occurred in the ten-year work history, you must document the details of the previous claim, including date of injury, the job at time of injury and identify the SCODRDOT job description(s) used to describe the job at the time of that injury. You must obtain a release from the employee to obtain records for that claim.

If the employee was injured while working for the State of Alaska, review the attached statute and regulation with the employee and assist the employee as appropriate and applicable. It is important to note the definition of "injured employee", 2 AAC 07.228(l)(2), indicating that the employee must be terminated from employment with the State of Alaska due to the inability to perform the essential duties of the employee's position as a result of the compensable claim. If they have not terminated voluntarily or been administratively separated by the State, you can only advise them of their rights, they cannot yet exercise them.

Contact with the Employer:

After you have interviewed the employee, you must contact the employer[4] to determine the employee's job title and the employee's tasks and duties. Obtain a written job description if they have one available; it may be useful in selecting the DOT title that most accurately describes the job duties. Advise the employer of the DOT title(s) under consideration for their input; again, you make the ultimate determination. You will need to reconcile any disputes between the employee's and employer's representations of the job at the time of injury. Remember you must strictly comply with

[3] Per *The Revised Handbook for Analyzing Jobs:* In calculating SVP… count the average four-year college curriculum as equivalent to two years of specific vocational preparation, and count each year of graduate school as a year of specific vocational preparation. At the secondary level of vocational education, count two classroom hours as an hour of SVP. However, at the post-secondary level of vocational education, count each classroom hour as an hour of SVP.

[4] Please remember that the "employer" may be an entity larger than just the local shop/store/office/business unit.

the physical capacity description set forth in the SCODRDOT**,** even where the employee's job and like jobs in the labor market require greater physical capacity than that described in that publication.

Ask the employer if there is alternate employment they would offer if the employee is not predicted to have the permanent physical capacity to return to the job at time of injury. Explain the parameters of AS 23.30.041(f)(1) and 8 AAC 45.525(c). If they do have a position to offer, present them with the Offer of Alternative Employment form attached to the referral for the employer to complete their section. You evaluate a complete offer as described on page 7 below. If the employer needs physical parameters from a physician before considering alternate employment, follow the procedures below.

If the employee was injured while working for the State of Alaska you should contact the Division of Personnel, Statewide HR Operations, 465-5052, to obtain the information above and discuss the employee's status in regard to Section 158 rights.

Physician Contact:

Once your interviews with the employee and employer have been completed, and you have identified and prepared the appropriate SCODRDOT job description(s), you will need to submit, with copies to the employee, insurer and this office, the SCODRDOT job description(s) for the job at time of injury, and for those in the applicable history for which SVP was met, to a physician for review (8 AAC 45.525(b)(3)).[5] It is required that the actual DOT (use primary "occupational title", not alternate titles) descriptions with the physical demands of these jobs per SCODRDOT be presented to a physician for review. If there is any conflict among the rehabilitation specialist, the employee and/or the employer on the DOT titles you should send all of those DOT options that meet SVP to the physician. Include the "long" definitions of Sedentary and Light work, given that sitting and standing and walking are spelled out more expressly. [eDOT physical demands and O*NET information should be omitted from SCODRDOT job descriptions] DO NOT combine the DOT descriptions and physical demands for multiple job titles into one document, there should be a separate SCODRDOT job description for each DOT title selected. An in-person interview of the physician is preferred. This task may be accomplished through correspondence if waiting for an appointment with the physician would take longer than correspondence to effect a reply. The physician must review the correct SCODRDOT job descriptions and respond to <u>one question</u>: "Do you predict that [the employee] will have permanent physical capacities that are equal to or greater than the physical demands of the job described above." Yes No [6] DO NOT add content to the SCODRDOT document. DO NOT insert a "comments" section for the physician, ask for a release date, ask if the position is one the employee will be able to perform with modifications or use language such as "approved". Do not allow the employee or employer to ratify the SCODRDOT job description on the form itself or amend the job descriptions or physical demands in any way.

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[5] There may be situations where it is necessary to contact more than one medical provider; for example, when one provider is treating a knee and another is treating a shoulder.

[6] On rare occasions where a psychological and/or cognitive component is an accepted part of the claim, such as head injury, it may be necessary to use "permanent psychological/cognitive capacities" and "psychological/cognitive demands" instead of, or in conjunction with, "permanent physical capacities" and "physical demands".

A Physical Capacities Evaluation (PCE) or a physician's prediction of permanent physical capacities is not an acceptable alternative to review of SCODRDOT job descriptions. If the employer is seeking medical guidance in considering an offer of alternate employment, you may ask the physician to provide that information on a form you can supply or in any format of their choosing.

If the employer is proposing an alternate offer of employment, submit an on-site job analysis to the physician for review and approval asking one question: "Do you predict that [the employee] will have permanent physical capacities that are equal to or greater than the physical demands of the job described above." Yes No You may only rely on a SCODRDOT job description in this instance if it is clear that it adequately describes the physical demands of the offered position.

If you do not see documentation in the records provided to you of a permanent partial impairment rating for the employee under this claim, or a prediction of a rating greater than zero according to the American Medical Association's *Guides to the Evaluation of Permanent Impairment*, ask the physician the following question: Do you predict that the employee will have a permanent partial impairment rating greater than zero as a result of the work injury according to the American Medical Association's *Guides to the Evaluation of Permanent Impairment, Sixth Edition*? Yes No (If the employee was medically stable before 03/31/08, the fifth edition should be referenced. Contact this office on claims where medical stability occurred before 04/28/01.)

SCODRDOT JOB DESCRIPTION REVIEW, PERMANENT IMPAIRMENT AND REVIEW OF THE APPROPRIATE DOCUMENTS FOR AN OFFER OF ALTERNATE EMPLOYMENT ARE THE ONLY TOPICS NECESSARY TO ADDRESS WITH THE PHYSICIAN. MEDICAL STABILITY AND PROPOSED TREATMENT ARE NOT TOPICS FOR AN ELIGIBILITY EVALUATION.

Evaluating Physician Approved Job Titles from the Employee's Applicable Work, Training and Education History Using Labor Market Information:

If the physician has predicted the employee will have the permanent physical capacity to perform the DOT title(s) used to describe the job at the time of the injury and/or the physician has predicted the employee will not have a permanent impairment greater than zero as a result of the work injury, you DO NOT perform labor market research on other jobs in the ten-year work history.

If, however, the physician has predicted the employee will not have the permanent physical capacity to perform the DOT title(s) used to describe the job at the time of the injury and the physician has predicted the employee will have a permanent impairment greater than zero as a result of the work injury, you will have to perform labor market research for each DOT title the physician has predicted that the employee will have the permanent physical capacities to perform. Your task, per the statute, is to document the existence of jobs and the regulation requires that you document that a reasonable number of job vacancies exist for the jobs in a labor market**.** You should not consider the actual physical demands or job requirements of vacancies; and wage is not a consideration in the evaluation.

Two or more openings within thirty days of the date of your research (document that date) in any one locale would suggest that reasonable vacancies exist and you need not conduct further research. You can search for such a locale at the level of the area of the employee's residence, followed by the area of last employment, the state of Alaska and other states. Showing scattered openings across the nation without more than one in any given locale will not suffice to show reasonable vacancies. Part-time openings are only acceptable if the employee was similarly performing part-time work in the job at time of injury. Seasonal openings are only acceptable if the employee was similarly seasonally employed in the job at the time of injury.

You may use current published data from credible state or federal sources so long as the data is specific to the particular occupation under consideration, preferably to the DOT number. What is not acceptable is the use of broad categories, such as clerks, first line supervisors, salespersons, etc. The data source needs to show that reasonable vacancies occur in the specific occupation.

You may post internet listings from openings listed within thirty days of your report using sources such as Job Central, Simply Listed and Indeed among others. You must display the actual listing including narrative that is not just applicable to the specific occupation in terms of title, but also in terms of duties as referenced in the DOT. Remember that we <u>are not</u> considering transferable skills occupations when conducting an eligibility evaluation.

If you cannot find published data or credible Internet documentation of reasonable vacancies, you need not conduct a telephonic survey.

<u>Evaluating the Offer of Alternative Employment</u>:

Your eligibility assignment packet includes a copy of the Offer of Alternative Employment Form. If the employer at the time of injury wants to make an offer of alternate employment, they must make the offer of employment in writing on that form**,** noting the job title, a DOT number (it is appropriate for you to assist with that selection), start date, gross hourly wage and job location. They also must check box 15 attesting, "This offer of alternative employment is made in good faith because the job will prepare the employee to be employable in other jobs that exist in the labor market at a comparable wage and physical demands."

If the offer does not meet the stated wage requirement, complete the form accordingly and document this consideration in your report.

If the offer meets the stated wage requirement, conduct a job analysis for the position, as described above, for submission to the physician asking <u>one question</u>: "Do you predict that [the employee] will have permanent physical capacities that are equal to or greater than the physical demands of the job described above." Yes No. If the physician's response is "yes", conduct a labor market survey to document that the offered employment actually exists in the labor market with other employers as it exists with this employer, including in terms of physical demands that are within the employee's capacities, and at the appropriate wage. Then complete the form according to your research and resultant opinion and document this consideration in your report.

Evaluating Prior Election of Dislocation Benefit and/or Previous Rehabilitation in a Former Workers' Compensation Claim

If the employee received a dislocation benefit in a previous claim, compare the SCODRDOT job description(s) for the job at the time of that injury with the SCODRDOT job descriptions used to describe all employment since then. If the physical demands of any of the subsequent jobs the employee held are the same or similar to those of the earlier claim, the employee is ineligible. Document this consideration in your report.

If the employee has been previously rehabilitated in a former workers' compensation claim, compare the SCODRDOT job description(s) for the job at the time of that injury with the SCODRDOT job descriptions used to describe employment since then. If the physical demands of any of the subsequent jobs the employee held are the same or similar to those of the earlier claim, the employee is ineligible. Document this consideration in your report.

REPORT WRITING

Complete your report and recommend whether the employee should be found eligible or ineligible for reemployment benefits. If you lack the information necessary to make a recommendation, submit a complete evaluation report noting what information is lacking. Identify specifically who performed the tasks on which you are reporting; do not simply state, for example, "ACME Rehabilitation contacted the employer…"

The following are the essential elements of a complete eligibility evaluation report. This is the required content.

I. Work History (only from ten years prior to injury or when employee reached age 18, whichever is more recent, to present);
   For each job held provide:

   A. Dates of employment (Document dates of employment as specifically as possible. Some injured workers are poor historians but, given that we are charged with determining whether SVP is met, it is important to try to get month/day/year or at least the month and year for the start and end dates) Please note if only seasonal or part-time;
   B. Employer Name;
   C. Employer Address (at least city and state);
   D. Job Title (actual job, not DOT title);
   E. DOT Title(s)-use primary "occupational title", not an alternate title; match up the DOT title with the work history here, not just in a table elsewhere in the report;
   F. DOT Number(s)-match up the DOT number with the work history here, not just in a table elsewhere in the report;
   G. Brief narrative of duties so others can understand how you selected the DOT title(s);
   H. Percentages when multiple titles are being used; and
   I. Whether SVP is met for the selected titles

Identify which job is the job at time of injury. If there is any conflict among the rehabilitation specialist, the employee and/or the employer on the DOT titles, dates, etc. you should document this and list each opinion. You should send all DOT options to the physician.

There are certainly instances where multiple titles (a combination) are necessary to describe a position. Keep in mind, however, that there are also situations where an individual holds two different positions with an employer and they should be evaluated separately. The same is true when an employee has different positions at different times with the same employer. Please do not treat these as combinations, break them out separately.

Remember to document all gaps in employment and include employment while incarcerated.

II. Education/Training History (only from ten years prior to injury or when reached age 18, whichever is more recent, to present);

For each educational or training endeavor provide:

A. Dates (as specific as possible);
B. School Name;
C. School Address;
D. School Program/Major;
E. DOT Title(s) of occupations for which the program prepares a student;
F. DOT Number(s) of occupations for which the program prepares a student;
G. Brief description of program pursued and if completed, report what the records (e.g. transcripts) show;
H. Whether SVP is met for selected titles (recall the special considerations footnoted on page 4)

III. Employer Contact

Note the date of definitive contact with the employer and the name of the person contacted and their title. You should address any input they provided regarding the job at time of injury, whether alternate employment can be offered and what steps you took to evaluate that.

If the employee was injured while working for the State of Alaska, report your activities in relation to the employee and employer regarding the employee's section 158 rights.

IV. Medical Information

Do not write a complete medical summary. Your narrative should document that you are aware of the accepted conditions for the claim, current medical status, the current employee's and employer's (if known) medical provider(s), the input previously documented and/or received

regarding permanent partial impairment and the review of SCODRDOT job descriptions. If you do not yet have the necessary medical input, indicate the efforts made and the status of that pursuit.

V. Previous Rehabilitation or Dislocation Benefit Received

Discuss the employee's responses to your questions about previous rehabilitation or election to receive a dislocation benefit in a previous claim, if the answer to both was negative. If the answer is positive to either or both queries, please follow the procedure described on page 8.

VI. ELIGIBILITY DETERMINATION CRITERIA

Your report is complete when you have addressed each criteria under subsections (e)(1-2) and (f)(1-4) The following format should be utilized:

A. AS 23.30.041(e)(1): An employee shall be eligible for benefits under this section upon the employee's written request and by having a physician predict that the employee will have permanent physical capacities that are less than the physical demands of the employee's job as described in the 1993 edition of the United States Department of Labor's "Selected Characteristics of Occupations Defined in the Revised Dictionary of Occupational Titles" for the employee's job at the time of injury

Identify here all available physician's predictions regarding the SCODRDOT job description(s) representing the job at time of injury. The employee is ineligible under this criterion if the employee is predicted to have the permanent physical capacities to perform all the titles. If necessary, document any information you lack that prevents you from determining eligibility under this criterion, identifying fully your efforts to acquire this information.

B. AS 23.30.041(e)(2): An employee shall be eligible for benefits under this section upon the employee's written request and by having a physician predict that the employee will have permanent physical capacities that are less than the physical demands of the employee's job as described in the 1993 edition of the United States Department of Labor's "Selected Characteristics of Occupations Defined in the Revised Dictionary of Occupational Titles" for other jobs that exist in the labor market that the employee has held or received training for within 10 years before the injury or that the employee has held following the injury for a period long enough to obtain the skills to compete in the labor market, according to specific vocational preparation codes as described in the 1993 edition of the United States Department of Labor's "Selected Characteristics of Occupations Defined in the Revised Dictionary of Occupational Titles".

Summarize here the DOT titles for which the employee met SVP through the applicable work history and/or education/training and report the physician's predictions for those titles. Document your labor market research results regarding titles for which the physician predicted the employee will have the permanent physical capacity.

The employee is ineligible under this criterion if the employee is predicted to have the permanent physical capacities to perform at least one DOT title for which you document reasonable vacancies exist per the labor market survey guidelines outlined above. Document your labor market research, if any, here, elsewhere in the report, or as an attachment.

If necessary, document any information you lack that prevents you from determining eligibility under this criterion, identifying fully your efforts to acquire this information.

C. AS 23.30.041(f)1): "An employee is not eligible for reemployment benefits if the employer offers employment within the employee's predicted post-injury physical capacities at a wage equivalent to at least the state minimum wage under AS 23.10.065 or 75 percent of the worker's gross hourly wages at the time of injury, whichever is greater, and the employment prepares the employee to be employable in other jobs that exist in the labor market."

Document here your discussions with the employer regarding an offer of alternate employment. If you conclude that the employer has made a valid offer of alternate employment, the employee is ineligible under this criterion, whether or not they choose to accept the offer.

If necessary, document any information you lack that prevents you from determining eligibility under this criterion, identifying fully your efforts to acquire this information.

D. AS 23.30.041(f)(2) [only regarding claims on or after 11/07/05]: An employee is not eligible for reemployment benefits if the employee previously declined the development of a reemployment benefits plan under (g) of this section, received a job dislocation benefit under (g)(2) of this section, and returned to work in the same or similar occupation in terms of physical demands required of the employee at the time of the previous injury.

For injuries after 11/07/05 indicate if the employee previously received a job dislocation benefit. Identify whether they returned to work in the same or similar occupation in terms of physical demands at any point since the previous claim. They are ineligible under this criterion if you determine they have done so.

If necessary, document any information you lack that prevents you from determining eligibility under this criterion, identifying fully your efforts to acquire this information.

E. AS 23.30.041(f)(2) [for claims prior to 11/07/05] or f(3) [for claims on or after 11/07/05]: An employee is not eligible for reemployment benefits if the employee has been previously rehabilitated in a former workers' compensation claim and returned to work in the same or similar occupation in terms of physical demands required of the employee at the time of the previous injury.

For all injury dates, indicate if the employee has been previously rehabilitated in a former workers' compensation claim. Identify whether they had returned to work in the same or

similar occupation in terms of physical demands at any point since the previous claim. They are ineligible under this criterion if you determine they have done so.

If necessary, document any information you lack that prevents you from determining eligibility under this criterion identifying fully your efforts to acquire this information.

F. AS 23.30.041(f)(3) [for claims occurring before 11/07/05] or (f)(4) [for claims occurring on or after 11/07/05]: An employee is not eligible for reemployment benefits if at the time of medical stability, no permanent impairment is identified or expected.

Document here whether a physician has predicted that the employee will have a permanent partial impairment rating greater than zero for this claim. If not, the employee is ineligible under this criterion. If necessary, document any information you lack that prevents you from determining eligibility under this criterion identifying fully your efforts to acquire this information.

VII. ELIGIBILITY RECOMMENDATION

After completion of the above, provide your recommendation on the employee's eligibility for reemployment benefits. The employee must meet each of the eligibility criterion to be eligible. If necessary, document any information you lack that prevents you from determining eligibility.

Finally, notify the parties (employee and employer) that, within ten days of the filing of your report, they must submit to this office and copy the other party and you with any additional information that should be considered in our determination of eligibility.

VIII. ELIGIBILITY DETERMINATION

Your report will be reviewed by the RBA or designee and you will be notified by letter of the eligibility decision. If your evaluation report is incomplete, the RBA may issue a letter suspending the evaluation determination. This letter will also outline the additional information that is needed in order for you to complete the report and the time frame in which you are required to complete the report. If the RBA determines that insufficient efforts have been undertaken to complete the evaluation it may assign the evaluation to another rehabilitation specialist for completion.

To help you determine whether or not you have addressed all the requirements of the Alaska statute, we have enclosed a Checklist for your use. Please complete this checklist and attach it to your evaluation report.

EVALUATION REPORT DISTRIBUTION AND COSTS

Your evaluation report, all attachments listed below and the Checklist must be copied to the insurer, employee, Reemployment Benefits Section, and any attorneys who have filed entries of appearance. Please do not fax or e-mail your documents. Also, we do not need two copies of your reports and attachments. In order to verify that you have copied all of the parties, the Checklist form includes a Proof of Service on page 2.

Required attachments include:

- The employer's written job description of the employee's job at the time of the injury, if one was received
- Documentation of employee's education and/or training, if any was received
- Copies of all predictions by any physician on SCODRDOT job descriptions
- The completed offer of alternate employment form, if employment has been offered, and the physician's prediction on a job analysis, if applicable
- Labor market research, if necessary, and if not embedded in the report
- Documentation of previous rehabilitation or job dislocation benefit
- The physician's rating or prediction regarding a rating
- The Eligibility Evaluation Checklist

Your original billing statement should be attached to the copies sent to the insurer who pays the fees for your services. The itemized billing statement must reflect, for each activity, the date of service, the activity performed, the name of the individual who performed the activity and the fee charged for the activity. Please include a copy of your billing statement to us and the employee, as well.

INJURED STATE OF ALASKA EMPLOYEES

A State of Alaska classified employee may be entitled to benefits not available to employees working in the private sector. These benefits grant rehire preferences described in AS 39.25.158 of the Alaska Personnel Act. If you have been assigned a case that involves an injured State of Alaska employee, a copy of the statute and the regulation (2 AAC 07.228) will be attached to assist you in completing your evaluation.

PERFORMANCE OF REHABILITATION SPECIALISTS

You are expected to perform the evaluation in a timely manner. If you are repeatedly late in completing assignments, you may be sent a notice of proposed disqualification from the list of Rehabilitation Specialists. Board adopted regulations state that repeated failure to timely file reports is a basis for removal from our list.

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