

---

SENATE BILL 6264

---

State of Washington

60th Legislature

2008 Regular Session

By Senator Shin; by request of Workforce Training and Education Coordinating Board

Read first time 01/14/08. Referred to Committee on Higher Education.

1 AN ACT Relating to clarifying terms for workforce and economic  
2 development; amending RCW 28B.50.030, 28B.50.273, 43.330.090,  
3 51.32.099, and 74.08A.250; and providing an expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 28B.50.030 and 2007 c 277 s 301 are each amended to  
6 read as follows:

7 As used in this chapter, unless the context requires otherwise, the  
8 term:

9 (1) "System" shall mean the state system of community and technical  
10 colleges, which shall be a system of higher education.

11 (2) "Board" shall mean the workforce training and education  
12 coordinating board.

13 (3) "College board" shall mean the state board for community and  
14 technical colleges created by this chapter.

15 (4) "Director" shall mean the administrative director for the state  
16 system of community and technical colleges.

17 (5) "District" shall mean any one of the community and technical  
18 college districts created by this chapter.

1 (6) "Board of trustees" shall mean the local community and  
2 technical college board of trustees established for each college  
3 district within the state.

4 (7) "Occupational education" shall mean that education or training  
5 that will prepare a student for employment that does not require a  
6 baccalaureate degree, and education and training leading to an applied  
7 baccalaureate degree.

8 (8) "K-12 system" shall mean the public school program including  
9 kindergarten through the twelfth grade.

10 (9) "Common school board" shall mean a public school district board  
11 of directors.

12 (10) "Community college" shall include those higher education  
13 institutions that conduct education programs under RCW 28B.50.020.

14 (11) "Technical college" shall include those higher education  
15 institutions with the sole mission of conducting occupational  
16 education, basic skills, literacy programs, and offering on short  
17 notice, when appropriate, programs that meet specific industry needs.  
18 The programs of technical colleges shall include, but not be limited  
19 to, continuous enrollment, competency-based instruction, industry-  
20 experienced faculty, curriculum integrating vocational and basic skills  
21 education, and curriculum approved by representatives of employers and  
22 labor. For purposes of this chapter, technical colleges shall include  
23 Lake Washington Vocational-Technical Institute, Renton Vocational-  
24 Technical Institute, Bates Vocational-Technical Institute, Clover Park  
25 Vocational Institute, and Bellingham Vocational-Technical Institute.

26 (12) "Adult education" shall mean all education or instruction,  
27 including academic, vocational education or training, basic skills and  
28 literacy training, and "occupational education" provided by public  
29 educational institutions, including common school districts for persons  
30 who are eighteen years of age and over or who hold a high school  
31 diploma or certificate. However, "adult education" shall not include  
32 academic education or instruction for persons under twenty-one years of  
33 age who do not hold a high school degree or diploma and who are  
34 attending a public high school for the sole purpose of obtaining a high  
35 school diploma or certificate, nor shall "adult education" include  
36 education or instruction provided by any four year public institution  
37 of higher education.

1 (13) "Dislocated forest product worker" shall mean a forest  
2 products worker who: (a)(i) Has been terminated or received notice of  
3 termination from employment and is unlikely to return to employment in  
4 the individual's principal occupation or previous industry because of  
5 a diminishing demand for his or her skills in that occupation or  
6 industry; or (ii) is self-employed and has been displaced from his or  
7 her business because of the diminishing demand for the business'  
8 services or goods; and (b) at the time of last separation from  
9 employment, resided in or was employed in a rural natural resources  
10 impact area.

11 (14) "Forest products worker" shall mean a worker in the forest  
12 products industries affected by the reduction of forest fiber  
13 enhancement, transportation, or production. The workers included  
14 within this definition shall be determined by the employment security  
15 department, but shall include workers employed in the industries  
16 assigned the major group standard industrial classification codes "24"  
17 and "26" and the industries involved in the harvesting and management  
18 of logs, transportation of logs and wood products, processing of wood  
19 products, and the manufacturing and distribution of wood processing and  
20 logging equipment. The commissioner may adopt rules further  
21 interpreting these definitions. For the purposes of this subsection,  
22 "standard industrial classification code" means the code identified in  
23 RCW 50.29.025(3).

24 (15) "Dislocated salmon fishing worker" means a finfish products  
25 worker who: (a)(i) Has been terminated or received notice of  
26 termination from employment and is unlikely to return to employment in  
27 the individual's principal occupation or previous industry because of  
28 a diminishing demand for his or her skills in that occupation or  
29 industry; or (ii) is self-employed and has been displaced from his or  
30 her business because of the diminishing demand for the business's  
31 services or goods; and (b) at the time of last separation from  
32 employment, resided in or was employed in a rural natural resources  
33 impact area.

34 (16) "Salmon fishing worker" means a worker in the finfish industry  
35 affected by 1994 or future salmon disasters. The workers included  
36 within this definition shall be determined by the employment security  
37 department, but shall include workers employed in the industries

1 involved in the commercial and recreational harvesting of finfish  
2 including buying and processing finfish. The commissioner may adopt  
3 rules further interpreting these definitions.

4 (17) "Rural natural resources impact area" means:

5 (a) A nonmetropolitan county, as defined by the 1990 decennial  
6 census, that meets three of the five criteria set forth in subsection  
7 (18) of this section;

8 (b) A nonmetropolitan county with a population of less than forty  
9 thousand in the 1990 decennial census, that meets two of the five  
10 criteria as set forth in subsection (18) of this section; or

11 (c) A nonurbanized area, as defined by the 1990 decennial census,  
12 that is located in a metropolitan county that meets three of the five  
13 criteria set forth in subsection (18) of this section.

14 (18) For the purposes of designating rural natural resources impact  
15 areas, the following criteria shall be considered:

16 (a) A lumber and wood products employment location quotient at or  
17 above the state average;

18 (b) A commercial salmon fishing employment location quotient at or  
19 above the state average;

20 (c) Projected or actual direct lumber and wood products job losses  
21 of one hundred positions or more;

22 (d) Projected or actual direct commercial salmon fishing job losses  
23 of one hundred positions or more; and

24 (e) An unemployment rate twenty percent or more above the state  
25 average. The counties that meet these criteria shall be determined by  
26 the employment security department for the most recent year for which  
27 data is available. For the purposes of administration of programs  
28 under this chapter, the United States post office five-digit zip code  
29 delivery areas will be used to determine residence status for  
30 eligibility purposes. For the purpose of this definition, a zip code  
31 delivery area of which any part is ten miles or more from an urbanized  
32 area is considered nonurbanized. A zip code totally surrounded by zip  
33 codes qualifying as nonurbanized under this definition is also  
34 considered nonurbanized. The office of financial management shall make  
35 available a zip code listing of the areas to all agencies and  
36 organizations providing services under this chapter.

37 (19) "Applied baccalaureate degree" means a baccalaureate degree

1 awarded by a college under RCW 28B.50.810 for successful completion of  
2 a program of study that is:

3 (a) Specifically designed for individuals who hold an associate of  
4 applied science degree, or its equivalent, in order to maximize  
5 application of their technical course credits toward the baccalaureate  
6 degree; and

7 (b) Based on a curriculum that incorporates both theoretical and  
8 applied knowledge and skills in a specific technical field.

9 (20) "Qualified institutions of higher education" means:

10 (a) Washington public community and technical colleges;

11 (b) Private career schools that are members of an accrediting  
12 association recognized by rule of the higher education coordinating  
13 board for the purposes of chapter 28B.92 RCW; and

14 (c) Washington state apprenticeship and training council-approved  
15 apprenticeship programs.

16 (21) "High employer demand program of study" means an undergraduate  
17 or graduate certificate or degree program in which the number of  
18 students prepared for employment per year from in-state institutions is  
19 substantially less than the number of projected job openings per year  
20 in that field, statewide or in a substate region.

21 **Sec. 2.** RCW 28B.50.273 and 2007 c 277 s 201 are each amended to  
22 read as follows:

23 The college board, in partnership with business, labor, and the  
24 workforce training and education coordinating board, shall:

25 (1) Identify (~~(job specific training programs)~~) high employer  
26 demand programs of study offered by qualified postsecondary  
27 institutions that lead to a credential, certificate, or degree (~~(in~~  
28 ~~high demand occupations, which are occupations where data show that~~  
29 ~~employer demand for workers exceeds the supply of qualified job~~  
30 ~~applicants throughout the state or in a specific region, and where~~  
31 ~~training capacity is underutilized))~~);

32 (2) Gain recognition of the credentials, certificates, and degrees  
33 by Washington's employers and labor organizations. The college board  
34 shall designate these recognized credentials, certificates, and degrees  
35 as "opportunity grant-eligible programs of study"; and

36 (3) Market the credentials, certificates, and degrees to potential

1 students, businesses, and apprenticeship programs as a way for  
2 individuals to advance in their careers and to better meet the needs of  
3 industry.

4 **Sec. 3.** RCW 43.330.090 and 2007 c 228 s 201 are each amended to  
5 read as follows:

6 (1) The department shall work with private sector organizations,  
7 industry and (~~cluster~~) sector associations, federal agencies, state  
8 agencies that use a (~~cluster~~) sector-based approach to service  
9 delivery, local governments, local associate development organizations,  
10 and higher education and training institutions in the development of  
11 industry (~~cluster~~) sector-based strategies to diversify the economy,  
12 facilitate technology transfer and diffusion, and increase value-added  
13 production. The industry (~~clusters~~) sectors targeted by the  
14 department may include, but are not limited to, aerospace, agriculture,  
15 food processing, forest products, marine services, health and  
16 biomedical, software, digital and interactive media, transportation and  
17 distribution, and microelectronics. The department shall, on a  
18 continuing basis, evaluate the potential return to the state from  
19 devoting additional resources to an industry (~~cluster~~) sector-based  
20 approach to economic development and identifying and assisting  
21 additional (~~clusters~~) sectors. The department shall use information  
22 gathered in each service delivery region in formulating its industry  
23 (~~cluster~~) sector-based strategies and shall assist local communities  
24 in identifying regional industry (~~clusters~~) sectors and developing  
25 industry (~~cluster~~) sector-based strategies.

26 (2)(a) The department shall promote, market, and encourage growth  
27 in the production of films and videos, as well as television  
28 commercials within the state; to this end the department is directed to  
29 assist in the location of a film and video production studio within the  
30 state.

31 (b) The department may, in carrying out its efforts to encourage  
32 film and video production in the state, solicit and receive gifts,  
33 grants, funds, fees, and endowments, in trust or otherwise, from  
34 tribal, local, or other governmental entities, as well as private  
35 sources, and may expend the same or any income therefrom for the  
36 encouragement of film and video production. All revenue received for

1 such purposes shall be deposited into the film and video promotion  
2 account created in RCW 43.330.092.

3 (3) In assisting in the development of regional and statewide  
4 industry ((~~cluster~~)) sector-based strategies, the department's  
5 activities shall include, but are not limited to:

6 (a) Facilitating regional focus group discussions and conducting  
7 studies to identify industry clusters, appraise the current information  
8 linkages within a cluster, and identify issues of common concern within  
9 a cluster;

10 (b) Supporting industry and cluster associations, publications of  
11 association and cluster directories, and related efforts to create or  
12 expand the activities of industry and cluster associations;

13 (c) Administering a competitive grant program to fund activities  
14 designed to further regional cluster growth. In administering the  
15 program, the department shall work with an industry cluster advisory  
16 committee with equal representation from the work force training and  
17 education coordinating board, the state board for community and  
18 technical colleges, the employment security department, business, and  
19 labor.

20 (i) The industry cluster advisory committee shall recommend  
21 criteria for evaluating applications for grant funds and recommend  
22 applicants for receipt of grant funds.

23 (ii) Applicants must include organizations from at least two  
24 counties and participants from the local business community. Eligible  
25 organizations include, but are not limited to, local governments,  
26 economic development councils, chambers of commerce, federally  
27 recognized Indian tribes, workforce development councils, and  
28 educational institutions.

29 (iii) Applications must evidence financial participation of the  
30 partner organizations.

31 (iv) Priority shall be given to applicants which will use the grant  
32 funds to build linkages and joint projects, to develop common resources  
33 and common training, and to develop common research and development  
34 projects or facilities.

35 (v) The maximum amount of a grant is one hundred thousand dollars.

36 (vi) A maximum of one hundred thousand dollars total can go to  
37 King, Pierce, Kitsap, and Snohomish counties combined.

1 (vii) No more than ten percent of funds received for the grant  
2 program may be used by the department for administrative costs.

3 (4) As used in (~~subsection (3) of~~) this section(~~(7)~~):

4 (a) "Industry cluster" means a geographic concentration of  
5 interdependent competitive firms that do business with each other(~~(-~~  
6 ~~"Industry cluster" also includes~~), including firms that sell inside  
7 and outside of the geographic region as well as support firms that  
8 supply raw materials, components, and business services, and other  
9 institutions including government and education.

10 (b) "Sector" means a group of industries with similar business  
11 processes, products, or services, such as construction or health  
12 services; formerly categorized by the standard industrial  
13 classification system, now categorized by the North American industry  
14 classification system.

15 **Sec. 4.** RCW 51.32.099 and 2007 c 72 s 2 are each amended to read  
16 as follows:

17 (1)(a) The legislature intends to create improved vocational  
18 outcomes for Washington state injured workers and employers through  
19 legislative and regulatory change under a pilot program for the period  
20 of January 1, 2008, through June 30, 2013. This pilot vocational  
21 system is intended to allow opportunities for eligible workers to  
22 participate in meaningful retraining in high demand occupations,  
23 improve successful return to work and achieve positive outcomes for  
24 workers, reduce the incidence of repeat vocational services, increase  
25 accountability and responsibility, and improve cost predictability. To  
26 facilitate the study and evaluation of the results of the proposed  
27 changes, the department shall establish the temporary funding of  
28 certain state fund vocational costs through the medical aid account to  
29 ensure the appropriate assessments to employers for the costs of their  
30 claims for vocational services in accordance with RCW 51.32.0991.

31 (b) An independent review and study of the effects of the pilot  
32 program shall be conducted to determine whether it has achieved the  
33 appropriate outcomes at reasonable cost to the system. The review  
34 shall include, at a minimum, a report on the department's performance  
35 with regard to the provision of vocational services, the skills  
36 acquired by workers who receive retraining services, the types of  
37 training programs approved, whether the workers are employed, at what



1 jobs and wages after completion of the training program and at various  
2 times subsequent to their claim closure, the number and demographics of  
3 workers who choose the option provided in subsection (4)(b) of this  
4 section, and their employment and earnings status at various times  
5 subsequent to claim closure. The department may adopt rules, in  
6 collaboration with the subcommittee created under (c)(iii) of this  
7 subsection, to further define the scope and elements of the required  
8 study. Reports of the independent researcher are due on December 1,  
9 2010, December 1, 2011, and December 1, 2012.

10 (c) In implementing the pilot program, the department shall:

11 (i) Establish a vocational initiative project that includes  
12 participation by the department as a partner with WorkSource, the  
13 established state system that administers the federal workforce  
14 investment act of 1998. As a partner, the department shall place  
15 vocational professional full-time employees at pilot WorkSource  
16 locations; refer some workers for vocational services to these  
17 vocational professionals; and work with employers in work source pilot  
18 areas to market the benefits of on-the-job training programs and with  
19 community colleges to reserve slots in high employer demand programs of  
20 study as defined in RCW 28B.50.030. These on-the-job training programs  
21 and community college slots may be considered by both department and  
22 private sector vocational professionals for vocational plan  
23 development. The department will also assist stakeholders in  
24 developing additional vocational training programs in various  
25 industries, including but not limited to agriculture and construction.  
26 These programs will expand the choices available to injured workers in  
27 developing their vocational training plans with the assistance of  
28 vocational professionals.

29 (ii) Develop and maintain a register of state fund and self-insured  
30 workers who have been retrained or have selected any of the vocational  
31 options described in this section for at least the duration of the  
32 pilot program.

33 (iii) Create a vocational rehabilitation subcommittee made up of  
34 members appointed by the director for at least the duration of the  
35 pilot program. This subcommittee shall provide the business and labor  
36 partnership needed to maintain focus on the intent of the pilot  
37 program, as described in this section, and provide consistency and  
38 transparency to the development of rules and policies. The

1 subcommittee shall report to the director at least annually and  
2 recommend to the director and the legislature any additional statutory  
3 changes needed, which may include extension of the pilot period. The  
4 subcommittee shall provide input and oversight with the department  
5 concerning the study required under (b) of this subsection. The  
6 subcommittee shall provide recommendations for additional changes or  
7 incentives for injured workers to return to work with their employer of  
8 injury.

9 (iv) The department shall develop an annual report concerning  
10 Washington's workers' compensation vocational rehabilitation system to  
11 the legislature and to the subcommittee by December 1, 2009, and  
12 annually thereafter with the final report due by December 1, 2012. The  
13 annual report shall include the number of workers who have participated  
14 in more than one vocational training plan beginning with plans approved  
15 on January 1, 2008, and in which industries those workers were  
16 employed. The final report shall include the department's assessment  
17 and recommendations for further legislative action, in collaboration  
18 with the subcommittee.

19 (2)(a) For the purposes of this section, the day the worker  
20 commences vocational plan development means the date the department or  
21 self-insurer notifies the worker of his or her eligibility for plan  
22 development services.

23 (b) When vocational rehabilitation is both necessary and likely to  
24 make the worker employable at gainful employment, he or she shall be  
25 provided with services necessary to develop a vocational plan that, if  
26 completed, would render the worker employable. The vocational  
27 professional assigned to the claim shall, at the initial meeting with  
28 the worker, fully inform the worker of the return-to-work priorities  
29 set forth in RCW 51.32.095(2) and of his or her rights and  
30 responsibilities under the workers' compensation vocational system.  
31 The department shall provide tools to the vocational professional for  
32 communicating this and other information required by RCW 51.32.095 and  
33 this section to the worker.

34 (c) On the date the worker commences vocational plan development,  
35 the department shall also inform the employer in writing of the  
36 employer's right to make a valid return-to-work offer during the first  
37 fifteen days following the commencement of vocational plan development.  
38 To be valid, the offer must be for bona fide employment with the

1 employer of injury, consistent with the worker's documented physical  
2 and mental restrictions as provided by the worker's health care  
3 provider. When the employer makes a valid return-to-work offer, the  
4 vocational plan development services and temporary total disability  
5 compensation shall be terminated effective (~~([on])~~) on the starting  
6 date for the job without regard to whether the worker accepts the  
7 return-to-work offer. Following the fifteen-day period, the employer  
8 may still provide, and the worker may accept, any valid return-to-work  
9 offer. The worker's acceptance of such an offer shall result in the  
10 termination of vocational plan development or implementation services  
11 and temporary total disability compensation effective the day the  
12 employment begins.

13 (3)(a) All vocational plans must contain an accountability  
14 agreement signed by the worker detailing expectations regarding  
15 progress, attendance, and other factors influencing successful  
16 participation in the plan. Failure to abide by the agreed expectations  
17 shall result in suspension of vocational benefits pursuant to RCW  
18 51.32.110.

19 (b) Any formal education included as part of the vocational plan  
20 must be for an accredited or licensed program or other program approved  
21 by the department. The department shall develop rules that provide  
22 criteria for the approval of nonaccredited or unlicensed programs.

23 (c) The vocational plan for an individual worker must be completed  
24 and submitted to the department within ninety days of the day the  
25 worker commences vocational plan development. The department may  
26 extend the ninety days for good cause. Criteria for good cause shall  
27 be provided in rule. The frequency and reasons for good cause  
28 extensions shall be reported to the subcommittee created under  
29 subsection (1)(c)(iii) of this section.

30 (d) Costs for the vocational plan may include books, tuition, fees,  
31 supplies, equipment, child or dependent care, training fees for on-the-  
32 job training, the cost of furnishing tools and other equipment  
33 necessary for self-employment or reemployment, and other necessary  
34 expenses in an amount not to exceed twelve thousand dollars. This  
35 amount shall be adjusted effective July 1 of each year for vocational  
36 plans or retraining benefits available under subsection (4)(b) of this  
37 section approved on or after this date but before June 30 of the next

1 year based on the average percentage change in tuition for the next  
2 fall quarter for all Washington state community colleges.

3 (e) The duration of the vocational plan shall not exceed two years  
4 from the date the plan is implemented. The worker shall receive  
5 temporary total disability compensation under RCW 51.32.090 and the  
6 cost of transportation while he or she is actively and successfully  
7 participating in a vocational plan.

8 (f) If the worker is required to reside away from his or her  
9 customary residence, the reasonable cost of board and lodging shall  
10 also be paid.

11 (4) Vocational plan development services shall be completed within  
12 ninety days of commencing. During vocational plan development the  
13 worker shall, with the assistance of a vocational professional,  
14 participate in vocational counseling and occupational exploration to  
15 include, but not be limited to, identifying possible job goals,  
16 training needs, resources, and expenses, consistent with the worker's  
17 physical and mental status. A vocational rehabilitation plan shall be  
18 developed by the worker and the vocational professional and submitted  
19 to the department or self-insurer. Following this submission, the  
20 worker shall elect one of the following options:

21 (a) Option 1: The department or self-insurer implements and the  
22 worker participates in the vocational plan developed by the vocational  
23 professional and approved by the worker and the department or  
24 self-insurer. For state fund claims, the department must review and  
25 approve the vocational plan before implementation may begin. If the  
26 department takes no action within fifteen days, the plan is deemed  
27 approved. The worker may, within fifteen days of approval of the plan  
28 by the department, elect option 2.

29 (i) Following successful completion of the vocational plan, any  
30 subsequent assessment of whether vocational rehabilitation is both  
31 necessary and likely to enable the injured worker to become employable  
32 at gainful employment under RCW 51.32.095(1) shall include  
33 consideration of transferable skills obtained in the vocational plan.

34 (ii) If a vocational plan is successfully completed on a claim  
35 which is thereafter reopened as provided in RCW 51.32.160, the cost and  
36 duration available for any subsequent vocational plan is limited to  
37 that in subsection (3)(d) and (e) of this section, less that previously  
38 expended.

1 (b) Option 2: The worker declines further vocational services  
2 under the claim and receives an amount equal to six months of temporary  
3 total disability compensation under RCW 51.32.090. The award is  
4 payable in biweekly payments in accordance with the schedule of  
5 temporary total disability payments, until such award is paid in full.  
6 These payments shall not include interest on the unpaid balance.  
7 However, upon application by the worker, and at the discretion of the  
8 department, the compensation may be converted to a lump sum payment.  
9 The vocational costs defined in subsection (3)(d) of this section shall  
10 remain available to the worker, upon application to the department or  
11 self-insurer, for a period of five years. The vocational costs shall,  
12 if expended, be available for programs or courses at any accredited or  
13 licensed institution or program from a list of those approved by the  
14 department for tuition, books, fees, supplies, equipment, and tools,  
15 without department or self-insurer oversight. The department shall  
16 issue an order as provided in RCW 51.52.050 confirming the option 2  
17 election, setting a payment schedule, and terminating temporary total  
18 disability benefits. The department shall thereafter close the claim.

19 (i) If within five years from the date the option 2 order becomes  
20 final, the worker is subsequently injured or suffers an occupational  
21 disease or reopens the claim as provided in RCW 51.32.160, and  
22 vocational rehabilitation is found both necessary and likely to enable  
23 the injured worker to become employable at gainful employment under RCW  
24 51.32.095(1), the duration of any vocational plan under subsection  
25 (3)(e) of this section shall not exceed eighteen months.

26 (ii) If the available vocational costs are utilized by the worker,  
27 any subsequent assessment of whether vocational rehabilitation is both  
28 necessary and likely to enable the injured worker to become employable  
29 at gainful employment under RCW 51.32.095(1) shall include  
30 consideration of the transferable skills obtained.

31 (iii) If the available vocational costs are utilized by the worker  
32 and the claim is thereafter reopened as provided in RCW 51.32.160, the  
33 cost available for any vocational plan is limited to that in subsection  
34 (3)(d) of this section less that previously expended.

35 (iv) Option 2 may only be elected once per worker.

36 (c) The director, in his or her sole discretion, may provide the  
37 worker vocational assistance not to exceed that in subsection (3) of

1 this section, without regard to the worker's prior option selection or  
2 benefits expended, where vocational assistance would prevent permanent  
3 total disability under RCW 51.32.060.

4 (5)(a) As used in this section, "vocational plan interruption"  
5 means an occurrence which disrupts the plan to the extent the  
6 employability goal is no longer attainable. "Vocational plan  
7 interruption" does not include institutionally scheduled breaks in  
8 educational programs, occasional absence due to illness, or  
9 modifications to the plan which will allow it to be completed within  
10 the cost and time provisions of subsection (3)(d) and (e) of this  
11 section.

12 (b) When a vocational plan interruption is beyond the control of  
13 the worker, the department or self-insurer shall recommence plan  
14 development. If necessary to complete vocational services, the cost  
15 and duration of the plan may include credit for that expended prior to  
16 the interruption. A vocational plan interruption is considered outside  
17 the control of the worker when it is due to the closure of the  
18 accredited institution, when it is due to a death in the worker's  
19 immediate family, or when documented changes in the worker's accepted  
20 medical conditions prevent further participation in the vocational  
21 plan.

22 (c) When a vocational plan interruption is the result of the  
23 worker's actions, the worker's entitlement to benefits shall be  
24 suspended in accordance with RCW 51.32.110. If plan development or  
25 implementation is recommenced, the cost and duration of the plan shall  
26 not include credit for that expended prior to the interruption. A  
27 vocational plan interruption is considered a result of the worker's  
28 actions when it is due to the failure to meet attendance expectations  
29 set by the training or educational institution, failure to achieve  
30 passing grades or acceptable performance review, unaccepted or  
31 postinjury conditions that prevent further participation in the  
32 vocational plan, or the worker's failure to abide by the accountability  
33 agreement per subsection (3)(a) of this section.

34 **Sec. 5.** RCW 74.08A.250 and 2006 c 107 s 2 are each amended to read  
35 as follows:

36 Unless the context clearly requires otherwise, as used in this  
37 chapter, "work activity" means:

- 1 (1) Unsubsidized paid employment in the private or public sector;
- 2 (2) Subsidized paid employment in the private or public sector,
- 3 including employment through the state or federal work-study program
- 4 for a period not to exceed twenty-four months;
- 5 (3) Work experience, including:
- 6 (a) An internship or practicum, that is paid or unpaid and is
- 7 required to complete a course of vocational training or to obtain a
- 8 license or certificate in a high demand (~~(field))~~ occupation, as
- 9 determined by the employment security department. No internship or
- 10 practicum shall exceed twelve months; or
- 11 (b) Work associated with the refurbishing of publicly assisted
- 12 housing, if sufficient paid employment is not available;
- 13 (4) On-the-job training;
- 14 (5) Job search and job readiness assistance;
- 15 (6) Community service programs;
- 16 (7) Vocational educational training, not to exceed twelve months
- 17 with respect to any individual;
- 18 (8) Job skills training directly related to employment;
- 19 (9) Education directly related to employment, in the case of a
- 20 recipient who has not received a high school diploma or a GED;
- 21 (10) Satisfactory attendance at secondary school or in a course of
- 22 study leading to a GED, in the case of a recipient who has not
- 23 completed secondary school or received such a certificate;
- 24 (11) The provision of child care services to an individual who is
- 25 participating in a community service program;
- 26 (12) Internships, that shall be paid or unpaid work experience
- 27 performed by an intern in a business, industry, or government or
- 28 nongovernmental agency setting;
- 29 (13) Practicums, which include any educational program in which a
- 30 student is working under the close supervision of a professional in an
- 31 agency, clinic, or other professional practice setting for purposes of
- 32 advancing their skills and knowledge;
- 33 (14) Services required by the recipient under RCW 74.08.025(3) and
- 34 74.08A.010(3) to become employable; and
- 35 (15) Financial literacy activities designed to be effective in
- 36 assisting a recipient in becoming self-sufficient and financially

1 stable.

2 NEW SECTION. **Sec. 6.** Section 4 of this act expires June 30, 2013.

--- END ---