Chapter 296-16A WAC
STAY-AT-WORK PROGRAM

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WAC

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WAC 296-16A-010 What is the stay-at-work program? The stay-at-work program encourages employers insured with the department to bring their injured workers back to work quickly and safely. If eligible, we will reimburse an employer for up to half the basic gross wages the employer paid to the injured worker during light duty or transitional work, and for the cost of instruction, tools, and clothing the worker needed to perform the approved light duty or transitional work. WAC 296-16A-020 through 296-16A-050 are the rules for employers insured with the department who are requesting stay-at-work reimbursements.

[Statutory Authority: RCW 51.04.020 and 51.32.090. WSR 12-09-056, § 296-16A-010, filed 4/17/12, effective 5/21/12.]

WAC 296-16A-020 I am an employer insured with the department—How can I qualify for stay-at-work reimbursements? To qualify for stay-at-work reimbursements:

(1) You must be the "employer at the time of injury" or "employer of injury" on a claim. You are the employer at the time of injury if the worker was injured while working for you. For occupational disease claims, you are the employer if your experience rating has been or will be affected by the claim because you previously employed the worker, or you were the last employer to employ the worker when the claim was filed (even if the claim will not affect your experience rating).

(2) Your worker must be eligible for temporary total disability or temporary partial disability benefits to be eligible; your worker's attending provider must have restricted your worker from performing his or her usual work.

(3) You must give the attending provider and your worker a description of the light duty or transitional work you would like your worker to do, and the attending provider must, in writing, release your worker to do that work.

(4) You must not ask your worker to perform work other than that approved by the attending provider.

(5) You must incur an actual expense before you request reimbursement. We cannot pay you in advance.

(6) We cannot reimburse you for stay-at-work expenses incurred before June 15, 2011.

[Statutory Authority: RCW 51.04.020 and 51.32.090. WSR 12-09-056, § 296-16A-020, filed 4/17/12, effective 5/21/12.]

WAC 296-16A-030 What can I be reimbursed for? If the attending provider restricts your worker from performing his or her usual work,

you may ask the attending provider to release your worker to perform light duty or transitional work for you. If the attending provider does so, you may employ your worker consistent with the attending provider's release. You can then receive reimbursement for some of the costs associated with that employment:

(1) **For a worker claim with a date of injury on or after January 1, 2025:**

(a) **Wages:** 50 percent of basic gross wages you paid your worker, for up to 120 days actually worked in a 24-month period, up to a maximum of $25,000 total wage reimbursement per claim.

(i) Basic gross wages means the basic hourly wages or salary. Basic gross wages do not include tips, commissions, bonuses, board, housing, fuel, health care, dental care, vision care, per diem, reimbursements for work-related expenses, or any other payments.

(ii) A partial day worked counts as one day. Example: Your worker works a four-hour shift. This counts as one day out of the 120.

(iii) If your worker's single shift spans two calendar days that shift counts as one day. Example: Your worker's single shift starts at 10:00 p.m., November 14th, and continues until 6:30 a.m., November 15th. This counts as one day out of the 120.

(iv) The 120 days do not have to be consecutive.

(v) If the light duty or transitional work lasts more than 120 days, you may choose which 120 days to seek reimbursement for.

(vi) You may not be reimbursed more than once for the same days worked. For example, if your worker has two active claims you cannot be reimbursed wage subsidies for the same dates on both claims.

(vii) We cannot reimburse you for dates you employed your worker that are more than 24 months after the earliest day we have already reimbursed on the claim. Example: The first work date for which you were reimbursed was February 1, 2012. Your 24-month eligibility period ends January 31, 2014.

(viii) You must submit your request for reimbursement within one year of the date the work was performed.

(b) **Training costs** you incurred to enable your worker to perform the light duty or transitional work, up to $2,000 per claim:

(i) Training expenses include the purchase of books or materials, or payment to someone outside your organization to provide training (tuition or fees).

(ii) We will not reimburse you for the value of "in-house" training provided by your organization.

(iii) You must submit your request for reimbursement within one year of the date of purchase.

(c) **Clothing** you provided your worker, necessary to perform the light duty or transitional work, up to $1,000 per claim:

(i) If you normally provide such clothing to your workers, we cannot reimburse you.

(ii) When the work ends, the clothing belongs to your worker.

(iii) You must submit your request for reimbursement within one year of the date of purchase.

(d) **Tools and equipment** you purchased to enable your worker to perform the light duty or transitional work, up to $5,000 per claim:

(i) If you normally provide such tools and equipment to your workers, we cannot reimburse you.

(ii) When the work ends, the tools and equipment belong to the employer.

(iii) You must submit your request for reimbursement within one year of the date of purchase.

(2) **For a worker claim with a date of injury prior to January 1, 2025:**

(a) **Wages:** 50 percent of basic gross wages you paid your worker, for up to 66 days actually worked in a 24-month period, up to a maximum of $10,000 total wage reimbursement per claim.

(i) Basic gross wages means the basic hourly wages or salary. Basic gross wages do not include tips, commissions, bonuses, board, housing, fuel, health care, dental care, vision care, per diem, reimbursements for work-related expenses, or any other payments.

(ii) A partial day worked counts as one day. Example: Your worker works a four-hour shift. This counts as one day out of the 66.

(iii) If your worker's single shift spans two calendar days that shift counts as one day. Example: Your worker's single shift starts at 10:00 p.m., November 14th, and continues until 6:30 a.m., November 15th. This counts as one day out of the 66.

(iv) The 66 days do not have to be consecutive.

(v) If the light duty or transitional work lasts more than 66 days, you may choose which 66 days to seek reimbursement for.

(vi) You may not be reimbursed more than once for the same days worked. For example, if your worker has two active claims you cannot be reimbursed wage subsidies for the same dates on both claims.

(vii) We cannot reimburse you for dates you employed your worker that are more than 24 months after the earliest day we have already reimbursed on the claim. Example: The first work date for which you were reimbursed was February 1, 2012. Your 24-month eligibility period ends January 31, 2014.

(viii) You must submit your request for reimbursement within one year of the date the work was performed.

(b) **Training costs** you incurred to enable your worker to perform the light duty or transitional work, up to $1,000 per claim:

(i) Training expenses include the purchase of books or materials, or payment to someone outside your organization to provide training (tuition or fees).

(ii) We will not reimburse you for the value of "in-house" training provided by your organization.

(iii) You must submit your request for reimbursement within one year of the date of purchase.

(c) **Clothing** you provided your worker, necessary to perform the light duty or transitional work, up to $400 per claim:

(i) If you normally provide such clothing to your workers, we cannot reimburse you.

(ii) When the work ends, the clothing belongs to your worker.

(iii) You must submit your request for reimbursement within one year of the date of purchase.

(d) **Tools and equipment** you purchased to enable your worker to perform the light duty or transitional work, up to $2,500 per claim:

(i) If you normally provide such tools and equipment to your workers, we cannot reimburse you.

(ii) When the work ends, the tools and equipment belong to the employer.

(iii) You must submit your request for reimbursement within one year of the date of purchase.

[Statutory Authority: RCW 51.04.020(1). WSR 24-23-080, s 296-16A-030, filed 11/19/24, effective 1/1/25. Statutory Authority: RCW 51.04.020 and 51.32.090. WSR 12-09-056, § 296-16A-030, filed 4/17/12, effective 5/21/12.]

WAC 296-16A-040 What if my worker has more than one claim or other qualifying employers? (1) We will reimburse you only once for an incurred expense: If your worker has more than one claim, we will not reimburse you more than once for the same wages paid or training, clothing, or equipment provided.

(2) If we receive valid reimbursement requests from different employers for the same claim, we will pay the requests in the order received by the department up to the per claim limits.

[Statutory Authority: RCW 51.04.020 and 51.32.090. WSR 12-09-056, § 296-16A-040, filed 4/17/12, effective 5/21/12.]

WAC 296-16A-050 How do I apply for reimbursements? (1) To request reimbursements, fill out the appropriate stay-at-work reimbursement form through My L&I. One form is for wage reimbursement and there is a separate form for all other reimbursements. If you are unable to complete these forms online, please reach out to the stay-at-work unit supervisor for opt out instructions.

(2) For all stay-at-work reimbursements, in addition to the completed forms, we also need:

(a) Documentation from the attending provider restricting your worker from his or her usual work for the dates you are requesting reimbursement;

(b) A written description of the light duty or transitional work that enables the attending provider to relate the physical activities of the work to your worker's restrictions;

(c) The attending provider's written approval releasing the worker to do that work.

(3) For wage reimbursement, we need documentation such as payroll records and time cards that verify the dates worked and basic gross wages paid.

(4) For tools and equipment, clothing, and training, we need itemized receipts showing your expenses.

[Statutory Authority: RCW 51.04.020(1) and 51.32.090. WSR 26-11-049 (Order 26-02), s 296-16A-050, filed 5/19/26, effective 7/1/26. Statutory Authority: RCW 51.04.020 and 51.32.090. WSR 12-09-056, § 296-16A-050, filed 4/17/12, effective 5/21/12.]