SUMMARY OF OTHER STATES RESPONSES TO QUESTIONS RE: VR AND ESL

ARIZONA: They are required to provide ESL even to illegals. This would be followed by GED, and then other training. Very unsuccessful. Only 2 in 24 years would she call successful.

CONNECTICUT: Spoke to Sharon Friedman (860)493-1598. They generally do not pay for ESL. Only 2 cases she can think of in 22 years. When they have there had to be a "firm objective" in mind. They have never paid for classes or tutors. They encourage the employee to use programs available. They may assist in RTW without training and look at occupations that require little or no writing. There is a 2 year maximum for any and all training.

MASSACHUSETTS: While it is possible to provide ESL training as part of an IWRP, it is usually not done here. There are several reasons for this. First, because any rehab program is limited to 104 wks. (2 yrs) it is much better for the client who needs ESL training to do so on their own prior to involvement in VR. That way, their plan time is not eaten up by, what we see as, 'pre-voc. training'.

Secondly there are sooo many ESL programs offered around here that are either free or minimal cost, there is really no reason for us to get involved financially.

Finally, the time it takes for an individual to complete such a program varies tremendously. Philisophically, we also feel the clients need to take personal responsibility for learning the language if they wish to compete in the general labor market for jobs. The ones that are motivated will do so.

I am including the following link to a comprehensive directory of ESL and GED programs in Massachusetts for your perusal. http://www.sabes.org/hotline/

MAINE: It is conceivable that ESL could be included in a plan though it hasn't happened yet - it is an untested theory. Our applications for VR are forwarded to individual rehab providers on our approved list. The plans are individualized. If ESL was recommended, it would first be up to the insurer whether or not to voluntarily agree. If there is no voluntary agreement, it would proceed to the dispute resolution process to be decided by a Hearing Officer. To date, there has been no such recommendation.

KENTUCKY: First, some background information about my job and the workers' compensation system. I am primarily a referral source and consider myself an Ombudsman. I am not a vocational evaluator or a supervisor. My title changed recently. In the workers' compensation system, there are few claimants who seek vocational training & even fewer who seek ESL.

Vocational evaluations are done in one of 15 facilities I have on a list (they can be an independent testing facility, such as Goodwill Industries, or a community college assessment center). Claimants may be referred to me by decision of an Administrative Law Judge, or by settlement of a workers' comp claim: these are post-award generally. An insurance adjuster may also send someone to me before an application is filed (often when a claimant is receiving TTD), if the adjuster feels the person would benefit from an evaluation or if they need guidance.

ESL training may be recommended by a vocational evaluator if it is thought that the non-English speaker will try to improve language skills in order to return to work. If ESL is recommended, I

will refer that person to a local/county board of education, which offers free or low-cost classes to adults. I will give the person contact information for their local board of education and follow up a few weeks later to ask if they plan to pursue training & to ensure that they received the information mailed to them.

There are no guidelines in our statutes and regulations which provide for ESL training. Thus, there are no training plans, outcome statistics, or time limitations.

The 52-week limit is the only time frame mentioned in the voc rehab statute (KRS 342.710). As I interpret the statute, it does not require 52 consecutive weeks of training. It is up to the individual to pursue training, and up to the carrier or employer to approve & pay for training & related costs. The defendant employer/carrier may object to any training program (for example if it is too costly). If the defendant employer/carrier agrees to pay for training, it is usually one semester (or unit) at a time, after proof of successful completion.

IDAHO: I'm the Lead Regional Manager for the Idaho Industrial Commission Rehabilitation Division. To address your ESL question. We do not fund training in ESL. We don't fund any training but rather seek the sureties financial support through proposal. Our consultants are vocational planners and direct injured workers to community programs. We are aware of "no cost" programs and work to direct the injured worker there. Those programs are generally through community colleges and Migrant Counsel (non-profit). The formal training of two years is considered only after all possibility of return to work with time of injury employer, use of transferrable skills in return to employment and on-the-job training options are exhausted. I don't think there are many cases the surety continues TTD benefits while the claimant learns English.
We do have a high number of monolingual Spanish speaking claimants although we don't actually keep an accurate count of that statistic. We have vocational consultants who are bi-lingual Spanish speakers that are assigned to work those cases when available.

NORTH DAKOTA: I am wondering whether or not you provide English as a Second Language training to injured workers as part of the VR benefits available.

Yes Workforce Safety & Insurance (WSI) provides English as a Second Language training in our vocational process.

What providers of training do you use? Community colleges, private tutors, free community programs?
WSI utilizes our public education system specifically our Adult Learning Centers (ALC)that are located across our state. Should the ALC be closed, we are able to utilize programs such as the Sylvain Learning Center. The Adult Learning Centers are free of charge at this point, and the Sylvain Learning Center does have a cost associated with that program.

Do you have any specific parameters for the non-English speakers in training, for example a minimum number of hours devoted to the training each week? Do you set limits on the length of time the training will be continued? ***WSI does not have a standard parameter for non-English speakers in training. We do have our ALC's make an assessment and testing is continued through the learning process to gauge their increased English speaking skills. We do not set limits on the amount of time the training will be continued. We gauge these limits on their skill, need and compliance.***

Do those in the ESL program go on to other types of training following completion of the ESL? ***Some of our vocational candidates where ESL program has been utilized may go on to additional schooling if determined appropriate. We have skills training and also retraining programs of up to two years.***

Do you have any information on the average length of ESL training plans? Do you have outcome statistics? ***Statistics are kept with the ALC/Public Education system.***

WYOMING: Wyoming Workers' Compensation does not direct the vocational rehabilitation of a injured worker. If an injured worker qualifies for vocational rehabilitation, they are referred to the Wyoming Department of Vocational Rehabilitation who sets up their plan. What Workers' Compensation does is provide for payment of the classes and a stipend as appropriate.

Your questions are very valid, but I would suggest you contact the Wyoming Department of Vocational Rehabilitations for those specific questions. They can be reached at: http://wyomingworkforce.org/vr/.

WASHINGTON: This is a follow-up to our conversation today. Thank you for your interest in training issues related to non-English speaking injured workers(IW) in Washington state. In answer to the questions listed in your e-mail:

- The Washington State Department of Labor & Industries (L&I) will only fund ESL training as part of an rehabilitation plan for a job skills certificate from a community college or private career school.
- When ESL is part of a training plan we use community colleges and free community programs rather than tutors.
- There is not set parameter for the ESL component of a training plan.
- L&I does not have residency or English proficiency requirements for training.
- The training benefit, based on a law that became effective on 1/1/08, is limited to 24 months.
- We do not track ESL training so we do not have outcome data.

FLORIDA: we can pay for ESL provided all other requirements are met. The real problem is practical -- showing how ESL leads to suitable gainful employment can be difficult because of the time needed to master English. Usually placement is a better method to return someone to SGE. With the law change, we will also be able to send people to non-English language schooling (e.g., Spanish speaking customer service) when appropriate.

So there is no absolute bar to ESL -- it just usually comes in second or third in the options to return someone to SGE.

There is a limit for temporary disability benefits of 104 weeks. The actual rehab is through the Department of Education. The have a WC Reemployment Services Program.