

**STATEMENT OF WORK
VOCATIONAL REHABILITATION SERVICES**

I. OVERVIEW: The Commonwealth of Pennsylvania, Department of Labor & Industry (L&I), on behalf of the State Workers' Insurance Fund (SWIF) is issuing this Invitation to Bid to procure a contractor(s) with the experience, background and certifications to provide the services at competitive prices throughout the Commonwealth while ensuring that agency requirements are met in compliance with [the Pennsylvania Workers' Compensation Act, \("the Act"\), 77 P.S. §§ 1 et seq. and the Rules And Regulations, specifically Title 34 Pa Code Sections 123.201 – 123.302, and Pennsylvania case law](#) which allow Pennsylvania workers' compensation insurers to maintain or provide vocational rehabilitation services. The awarded contractor(s) shall provide all facilities, labor, materials, services, skills, supervision, and necessary equipment to manage and conduct vocational rehabilitation services under this contract. These services will be provided by the awarded contractor(s) as independent contractor(s), not as an employee of the Commonwealth. The awarded contractor(s) shall render services in accordance with the policies, procedures, and standards of the Commonwealth.

A. SITUATIONS REQUIRING VOCATIONAL SERVICES WHERE THE DATE OF INJURY IS PRIOR TO JUNE 24, 1996: The following situations may require vocational services as determined by SWIF:

1. When the injured worker has reached medical stability or has been released by a physician for modified work and the insured has no work or suitable modified duty work available for the employee;
2. When the injured worker has been released to work with physical restrictions and the insured is willing to accommodate the employee's restrictions, the vocational counselor, in conjunction with the insured, may do job analysis to match job activities with specific physical restrictions;
3. When the insured has work available within the injured worker's physical capabilities and an employee demonstrates an unwillingness to return to work, then the vocational counselor may do job analysis and prepare job descriptions to be presented to a physician(s) for approval and ultimately to a workers' compensation judge. A vocational counselor may also show additional job availability in addition to that available with the injured worker's employer. Contractor(s) may be required to conduct a vocational interview. This additional work may only be done following consultation with the appropriate SWIF Claims' personnel. The contractor(s) may then be required to prepare a vocational development packet in accordance with requirements determined by SWIF; and/or
4. When the insured has no modified or regular light duty work available for the injured worker, the vocational counselor locates suitable employment within the physician's restrictions. SWIF requires that the job analyses and job descriptions for the identified positions be sent to the defense medical expert for approval/disapproval. Once the defense medical expert approves, contractor(s) must then refer the positions to the injured employee in accordance with the requirements set forth in the Act, the Rules and Regulations, and case law, [Kachinskiv. WCAB \(Vepco Construction Co.\), 532 A,2d374 \(Pa 1987\)](#) in particular. If the injured worker is not offered employment, follow up with the prospective employer may be required and the employment positions located may be used as evidence at a workers' compensation hearing to modify or suspend benefits. At this time, the contractor(s) may be required by SWIF to prepare

**STATEMENT OF WORK
VOCATIONAL REHABILITATION SERVICES**

a vocational or job development packet, containing at a minimum proof of vocational qualifications, job descriptions, medically approved job analyses, proof of job referrals, listing of jobs available, and any other information that may be required by SWIF. If directed by SWIF, the contractor(s) will testify and supply evidence regarding the status of cases referred for vocational services. The contractor(s) will assist and cooperate with SWIF attorneys and claims personnel in preparing for such hearings;

5. All contractor(s) shall be required to complete the vocational development identifying suitable job referrals within four (4) months of the referral by SWIF.

B. SITUATIONS REQUIRING VOCATIONAL SERVICES WHERE THE DATE OF INJURY IS ON OR AFTER JUNE 24, 1996: The following situations may require vocational services as determined by SWIF:

1. When the injured worker has reached medical stability or has been released by a physician for modified work and the insured has no work or light duty available for the employee, earning power is to be determined by the work the employee is capable of performing and shall be based upon expert opinion evidence as per Section 306 of the Act and Section 123.201 et seq. of the Rules and Regulations. The evidence must consider a claimant's residual productive skills, education, age, additional work experience. Evidence to establish earning power includes job listings with government agencies and agencies of the department such as PA CareerLink's, private job placement agencies, and advertisements. Act 57 of 1996 made an earning power assessment or a labor market survey (LMS) the vehicle for establishing earning power. Contractor(s) may be required to conduct an earning power assessment interview. For purposes of this ITQ, a LMS shall consist of a minimum of four (4) specific job referrals being sent to the claimant and his/her lawyer. The jobs should be physically and vocationally appropriate for the claimant and should be open and available to the claimant at the time the LMS is being conducted. SWIF requires that the job analyses and job descriptions for the identified positions be sent to the defense medical expert for approval/disapproval, and, if approved, notices of said job referrals shall be sent by both regular and certified mail to claimant and claimant counsel. The contractor(s) may be required by SWIF to prepare a vocational or job development packet containing at a minimum proof of vocational qualifications, job descriptions, medically approved job analyses, a copy of the initial report and any additional reports including earning power assessments or a LMS with proof of service on claimant and claimant's counsel, actual job referrals with proof of service and listings of jobs available, and any other information that may be required by SWIF. If directed by SWIF, the contractor(s) will testify and supply evidence regarding the cases referred for vocational services. The contractor(s) will assist and cooperate with SWIF attorneys and claims personnel in preparing for such hearings;
2. All contractor(s) shall be required to complete the vocational assessment or labor market survey (LMS) within four (4) months of the referral by SWIF;
3. When the injured workers have been released to work with physical restrictions and the insured is willing to accommodate the employee, the vocational counselor, in conjunction with the insured, may perform a job analysis to match job activities with specific physical restrictions.

**STATEMENT OF WORK
VOCATIONAL REHABILITATION SERVICES**

II. ISSUING OFFICE:

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Department of Labor and Industry, Bureau of Administrative Services
651 Boas Street
Harrisburg, PA 17121
Telephone: (717) 783-0326
Email: lmicheals@pa.gov

III. SERVICES: The vocational consultant must evaluate the injured individual and identify employment opportunities consistent with his/her physical capabilities and vocational abilities. The vocational rehabilitation process includes, but will not be limited to, the following elements:

A. Vocational Evaluation and Analysis: At the direction of SWIF, the contractor(s) will offer vocational evaluation/analysis services to the injured workers. Vocational evaluation and analysis involve evaluating an individual's vocational history, determining transferable skills, and assessing skill potential. Vocational evaluation tests may be required. The testing may consist of any or all the following, dependent upon the needs or the individual injured worker or referral source:

- 1. *Interest Testing*** – This test is administered to generate additional vocational placement possibilities as identified by the individual's interests.
- 2. *Achievement and Intelligence Testing*** – These tests assist in defining abilities in reading, spelling, math, and ability to understand and comprehend, respectively.
- 3. *Personality Testing*** – This type of testing distinguishes behavioral and emotional traits and tendencies.
- 4. *Work Samples Testing*** – This testing is offered in some areas and provides a full battery of "hands-on" work samples (simulated workstations). The purpose is to provide observable and measurable information regarding skills and vocational aptitudes. Each work sample introduces some job factors an individual may encounter in a realistic work setting and evaluates a person's ability to perform the required tasks.

After assessing the individual's vocational history, transferable skills and vocational potential, occupational guidance may be provided to assist the injured worker in determining realistic vocational goals. Services to include:

- Initial interview and evaluation/expert interview process to be conducted within 10 days of assignment to contractor(s);
- Analysis of medical factors;
- Analysis of vocational factors; and
- Occupational guidance.

*****NOTE FOR SITUATIONS REQUIRING VOCATIONAL SERVICES WHERE THE DATE OF INJURY OCCURRED ON OR AFTER JUNE 24, 1996:***

**STATEMENT OF WORK
VOCATIONAL REHABILITATION SERVICES**

1. SWIF requires that the individual performing vocational services under this contract must meet the criteria of 34 PA Code section 123.201 relating to qualifications. Said person must meet the criteria in his/her own right and cannot satisfy this standard by working under the direct supervision of another individual.
2. As part of an initial file review, the vocational services company shall verify that the claimant did, in fact, receive form LIBC-757 – Notice of Ability to Return to Work. As soon as practicable thereafter, the vocational services company shall secure proof that the employer has no modified duty position(s) for the claimant on a form supplied by SWIF. Said proof shall be in a form acceptable for presentation and use in a workers' compensation hearing in the event one is necessary. The contractor(s) would then be required to perform an earning power assessment or LMS as described herein; and/or
3. If an employee refuses to submit for an "Expert Interview," the contractor(s) will immediately notify the assigned investigator by telephone and in writing in order that SWIF might file the appropriate petition.

B. Job Development and Placement: At the direction of SWIF, the contractor(s) will provide job development/placement services. Selective job placement is a service designed to return the injured individual to productive employment and expedite case movement and closure. The job development and placement process will include, but is not limited to, the following elements:

1. Job Readiness Programs – These are designed to enhance an injured worker's employability and job placement potential by teaching him/her job seeking skills as the program is conducted in a group setting. The injured worker benefits from peer interaction and SWIF benefits from a prorated charge for the services rendered;
2. Job Bank – A valuable tool in the placement of impaired individuals, the job bank is an open record of job descriptions and analysis as well as cooperative and interested employers. The ready availability of this information expedites the placement activities, therefore reducing the usual time and costs for these services; and
3. Individual Job Placement – After identification of alternative employment positions within the individual's physical capabilities and aptitudes, the vendor will work one on one with the injured workers to insure timely, appropriate placement.

Follow-up services with prospective employers may be required by SWIF.

IV. ADDITIONAL LIABILITY INSURANCE: In addition to the other types of insurance required, contractor(s) are required to have in place upon signing of the contract the following type of insurance: \$1,000,000 Single Limit Errors and Omissions Insurance with Certificate of Insurance to SWIF.

V. ASSIGNMENT OF SERVICES: When services are required, SWIF will contact the qualified contractor(s) and assign projects based on contractor(s) availability and capacity. At that time, SWIF will provide the contractor(s) with specific information regarding the injured individual, the proposed start date, and required completion date so that the contractor(s) can accurately gauge its ability to complete the work.

**STATEMENT OF WORK
VOCATIONAL REHABILITATION SERVICES**

VI. CONDUCT OF VOCATIONAL EXPERTS:

- A. Before conducting an earning power assessment interview, the vocational expert shall disclose to the employee, in writing, the role and limits of the vocational expert's relationship with the employee.
- B. A vocational expert who conducts an earning power assessment interview shall generate a written initial report detailing the expert's involvement in the litigation and conclusions of any surveys or tests. The vocational expert shall serve a copy of the initial report on the employee and counsel, if known, within 30 days of the date of the interview.
- C. A vocational expert who authors additional written reports, including earning power assessments or labor market surveys, shall simultaneously serve copies of these written reports upon the employee and counsel, if known, when the expert provides the written reports to the insurer or its counsel.
- D. A vocational expert who satisfies the requirements of this section complies with the Code of Professional Ethics for Rehabilitation Counselors pertaining to the conduct of expert witnesses for purposes of Section 306(b)(2) of the Act (77 P.S. § 512(2))
<https://www.pacode.com/secure/data/034/chapter123/subchapCtoc.html>

The PA Workers' Compensation Act can be reviewed at

<https://www.dli.pa.gov/Individuals/Workers-Compensation/publications/Pages/WC%20Act/WC-Act-Landing-Page.aspx>

VII. STAFFING ADMINISTRATION: Awarded contractor(s) are expected to utilize standards of professionalism in all aspects of the performance of the Contract. All personnel must be fully qualified for the performance of the task to which assigned. In the event of recurring and/or un-resolved personnel performance issue(s), the Commonwealth has the right to request that such personnel be replaced.

- A. Personnel will be audited every six (6) months to ensure proper notification, resumes, certification documentation and certification renewal documentation have been provided to SWIF as described in this solicitation.
- B. Notice of personnel changes (additions, deletions and/or changes in local, state of federal licenses/certifications) must be communicated to the Labor and Industry, SWIF Vocational Rehabilitation Program Manager and the Department of General Services Contracting Officer.

Chief Claims Officer
State Workers' Insurance Fund
100 Lackawanna Ave.
Scranton, PA 18503
Fax: 570-963-4261

- C. If personnel changes are made without notice to SWIF, the contract may be terminated.

1. If an employee is terminated and another employee, already employed by the contractor(s)

**STATEMENT OF WORK
VOCATIONAL REHABILITATION SERVICES**

which has credentials on file with SWIF is used as a replacement on a specific project, notification must be given to SWIF at time of replacement.

2. If a new hire is to be utilized on SWIF's projects, the contractor(s) must provide advanced notice of at least five (5) business days to SWIF and provide a resume and proof of certifications for review and approval by SWIF.

VIII. PRICING: Bidders will submit an hourly rate to encompasses all costs associated with performing all work associated with providing vocational rehabilitation services.

Bidders will select the territory(s) where it will perform service and enter a bid price by Territory. If the bidder will provide service in all counties, Territory D will be selected.

TERRITORY A: Philadelphia District Office (Counties: Bucks, Chester, Delaware, Montgomery, and Philadelphia)

TERRIOTORY B: Harrisburg, Pottsville, Sunbury and Scranton District Offices

(Counties: Adams, Berks, Bradford, Carbon, Centre, Clinton, Columbia, Cumberland, Dauphin, Franklin, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montour, Northampton, Northumberland, Perry, Pike, Potter, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming and York)

TERRITORY C: Pittsburgh, Johnstown and Erie District Offices (Counties: Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Fulton, Greene, Huntingdon, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, and Westmoreland)

TERRITORY D: Out of State

TERRITORY E: Includes all 67 counties within Pennsylvania.

IX. TRAVEL TIME / REIMBURSEMENTS: Travel will be paid at 50% of the hourly rate for the first two hours of travel. Travel over two (2) hours will only be reimbursed for mileage driven after the first two (2) hours at the current rate as per [Management Directive 230.10](#). Parking and tolls will be reimbursed at actual cost(s) based on the submission of appropriate receipt(s).

X. METHOD OF AWARD: L&I will award contracts to all responsive and responsible suppliers. A contract award does not guarantee work. Vendors may only perform work with a Notice to Proceed.

XI. TERM: The Contract will begin on the start date and end in three (3) years with two (2) one (1) year renewal options, unless terminated by the Commonwealth in accordance with the contract terms and conditions.

XII. BILLING AND REPORTING: The awarded contractor(s) shall submit computer-generated invoices monthly to the referring SWIF Office for services rendered on each claim assigned. The invoices must list the SWIF claim number, claimant's name, date of service, invoice number, and invoice date. The invoices

**STATEMENT OF WORK
VOCATIONAL REHABILITATION SERVICES**

must include a breakdown of charges, a detailed report of the services provided and any necessary receipts for which reimbursement is being requested. See section on Reimbursements for further details.

The awarded contractor(s) will submit a monthly report listing the Vocational Rehabilitation Services provided for the period by district office.

A copy of all monthly reports must be submitted by the 15th of the following month to:

State Workers' Insurance Fund
Attn: Chief Financial Officer
100 Lackawanna Ave.
Scranton Pa. 18503

and emailed to RA-LISWIF-PROCUREMEN@pa.gov