

## Guideline–job offers, ‘odd lot’ employment, temporary and light–duty jobs

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To: Claims Administration  
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When the employer of record offers an injured worker a bona fide job prior to final approval of a vocational retraining plan, time–loss compensation benefits must be terminated (although the worker may be eligible for loss of earning power benefits).

Job offers can be for light–duty employment (while the worker is medically unstable), or permanent employment (after the worker reaches maximum medical improvement).

### Permanent Employment

Once a worker reaches maximum medical improvement (including the presence of any permanent restrictions), the employer of record may make an offer of permanent employment. A permanent job must be medically approved within the worker’s restrictions. The claim manager must also determine if the offer is bona fide.

A bona fide job offer has the following characteristics:

- 1) It is reasonably continuous or matches the worker’s employment pattern at the time of injury.
- 2) It is gainful: paying at least at the relevant minimum wage. (Note: the pay and healthcare benefits do not need to be identical to those of the job of injury).
- 3) It is meaningful: both inherently valuable to the employer and not demeaning to the worker.

The employer may offer a bona fide permanent job that is generally available to any worker (meaning it commonly exists in the labor market). Alternatively, the employer may offer a bona fide permanent job that is uniquely created for a particular injured worker, and is not generally available (this may be considered “odd lot” employment). The fact that a job offer is for ‘odd lot’ employment does not by itself mean that it is not a bona fide job.

If a claimant declines a bona fide permanent job offer that is generally available, the worker should be considered “employable”. If the worker declines an “odd lot” job, and the worker is considered “employable”, it will be necessary for the Department to show on appeal that the “odd lot” job was bona fide through a forensic referral.

If the employer modifies the demands of a permanent job offer, so that it exceeds the limits medically approved and the claim is still open, the worker may be eligible for time–loss compensation benefits.

See also: [RCW 51.32.090](#), [RCW 51.32.095](#), [Policy 5.81](#), [Interim Policy 5.15](#) and Jody Moran memos of 9/27/00 and 8/1/01

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