

5220.0850 ON-THE-JOB TRAINING.

Subpart 1. **Objective of on-the-job training.** The primary objective of on-the-job training as defined in part 5220.0100, subpart 21, is suitable gainful employment with the on-the-job training employer that is likely to restore the employee as close as possible to preinjury economic status. A proposed on-the-job training plan may be rejected by the commissioner or compensation judge if the plan is unlikely to achieve this primary objective. However, documentation that the training will increase employability with other employers may be a basis for approval.

Subp. 2. **Plan submission.** A proposed on-the-job training plan shall be filed on a form prescribed by the commissioner and must contain the following:

- A. identifying information on the employee, employer, insurer, and assigned qualified rehabilitation consultant;
- B. information identifying the on-the-job training employer;
- C. the title of the job for which the employee is being trained and its Dictionary of Occupational Titles code number;
- D. a job analysis of the training position;
- E. information documenting that the training position is within the employee's physical restrictions;
- F. a description of the skills the employee will acquire as a result of the training;
- G. training commencement and completion dates;
- H. the intervals at which the progress of the on-the-job training plan will be assessed;
- I. information indicating whether the on-the-job training employer will provide employment to the employee upon completion of the training;
- J. the employee's wage during and after training;
- K. supplies and tools required by the plan and their cost;
- L. weekly workers' compensation benefits to be paid by the insurer during the training;
- M. dated signatures of the employee, insurer, assigned qualified rehabilitation consultant, on-the-job training employer, and training instructor signifying agreement with the plan; and
- N. a narrative rationale describing the reasons why on-the-job training is proposed, including information that demonstrates that the on-the-job training will result

in the employee's return to a job that produces, as close as possible, the preinjury economic status.

Subp. 3. **Duration of plan.** A plan for on-the-job training that will last longer than six months may be justified by information that a plan that exceeds six months is needed to master required skills, or that training that exceeds six months will significantly increase the likelihood that the employee will recover preinjury economic status.

Subp. 4. **On-the-job training plan approval.** When an on-the-job training plan is submitted to the commissioner, the commissioner shall review the proposed plan within 30 days of its submission and notify the parties of plan approval or rejection. The plan approval process shall be subject to the procedures under part 5220.0410, subpart 6. The commissioner may make a determination or pursue resolution of questions regarding the plan consistent with part 5220.0950, subpart 3.

Subp. 5. **Disputes.** In the case of a dispute about an on-the-job training plan, any party may request resolution according to Minnesota Statutes, chapter 176 and part 5220.0950.

Statutory Authority: *MS s 176.102; 176.83*

History: *16 SR 2520; 17 SR 3361*

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