

**STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
Division of Workers' Compensation**

NOTICE OF MODIFICATION TO TEXT OF PROPOSED REGULATIONS

**Subject Matter of Regulations: Workers' Compensation –
Supplemental Job Displacement Benefit**

**CALIFORNIA CODE OF REGULATIONS,
TITLE 8, ARTICLES 6, 6.5, 7.5, and 8
SUPPLEMENTAL JOB DISPLACEMENT BENEFIT**

NOTICE IS HEREBY GIVEN that the Acting Administrative Director of the Division of Workers' Compensation (hereinafter "Acting Administrative Director") pursuant to the authority vested in her by Labor Code Sections 133, 4658.5, 4658.6, 4658.7 and 5307.3 proposes to modify the text of the following proposed regulations:

Section 10117	Offer of Work; Adjustment of Permanent Disability Payments
Section 10133.31	Supplemental Job Displacement Nontransferable Voucher for Injuries Occurring on or After January 1, 2013
Section 10133.32	Form [DWC-AD 10133.32 "Supplemental Job Displacement Nontransferable Voucher for Injuries Occurring on or After 1/1/13"]
Section 10133.34	Offer of Work for Injuries Occurring on or After January 1, 2013

PRESENTATION OF WRITTEN COMMENTS AND DEADLINE FOR SUBMISSION OF WRITTEN COMMENTS

Members of the public are invited to present written comments regarding these proposed modifications. **Only comments directly concerning the proposed modifications to the text of the regulations will be considered and responded to in the Final Statement of Reasons.**

Written comments should be addressed to:

Maureen Gray
Regulations Coordinator
Department of Industrial Relations
P.O. Box 420603
San Francisco, CA 94612

The Division's contact person must receive all written comments concerning the proposed modifications to the regulations no later than 5:00 p.m. on **June 21, 2013**. Written comments may be submitted via facsimile transmission (FAX), addressed to the

1

above-named contact person at (510) 286-0687. Written comments may also be sent electronically (via e-mail) using the following e-mail address: dwcrules@dir.ca.gov.

AVAILABILITY OF TEXT OF REGULATIONS AND RULEMAKING FILE

Copies of the original text and modified text with modifications clearly indicated, and the entire rulemaking file, are currently available for inspection at the Department of Industrial Relations, Division of Workers' Compensation, 1515 Clay Street, 17th Floor, Oakland, California 94612, between 9:00 A.M. and 4:30 P.M., Monday through Friday.

The specific modifications proposed include changes to the text of the following regulations and forms:

- | | |
|------------------|--------------------------------------------------------------------------------------------------------------------------|
| Section 10117 | Offer of Work; Adjustment of Permanent Disability Payments |
| Section 10133.31 | Supplemental Job Displacement Nontransferable Voucher for Injuries Occurring on or After January 1, 2013 |
| Section 10133.32 | Form [DWC-AD 10133.32 "Supplemental Job Displacement Nontransferable Voucher for Injuries Occurring on or After 1/1/13"] |
| Section 10133.34 | Offer of Work for Injuries Occurring on or After January 1, 2013. |

DOCUMENTS SUPPORTING THE RULEMAKING FILE

Printouts of emails and correspondence to and from various interested parties concerning the Division's proposed changes have been added to the rulemaking file.

FORMAT OF PROPOSED MODIFICATIONS

Proposed Text Noticed for Emergency Regulations:

The proposed text is indicated by underlining, thus: added language.

Deletions are indicated by strikeout, thus: ~~deleted language~~.

Proposed Text Noticed for 45-Day Comment Period:

The proposed text is indicated by double underlining, thus: added language.

Deletions are indicated by double strikeout, thus: ~~~~deleted language~~~~.

Proposed Text Noticed for the 1st 15-Day Comment Period on Modified Text:

The proposed text is indicated by bold underlining, thus: **added language**.

Deletions are indicated by bold strikeout, thus: ~~**deleted language**~~.

Proposed Text Noticed for the 2nd 15-Day Comment Period on Modified Text:

The proposed text is indicated by bold italic font and bold underlining, thus: ***added language.***

Deletions are indicated by bold italic font and single strikethrough, thus: ***~~deleted language.~~***

SUMMARY OF PROPOSED CHANGES

1. Section 10117. Offer of Work; Adjustment of Permanent Disability Payments.

The phrase “employer has knowledge that” has been deleted from subdivision (b).

2. Section 10133.31. Supplemental Job Displacement Nontransferable Voucher for Injuries Occurring on or After 1/1/13.

Subdivision (b) is amended to include that the employer must make the offer of work no later than 60 days after receipt of the Physician’s Return to Work & Voucher Report that indicates the work capacities and activity restrictions that are relevant to regular work, modified work, or alternative work. The 60 day time frame was inadvertently taken out of the proposed regulations during the 1st 15-day comment period.

Subdivision (c) is amended to reference Labor Code section 4658.7(b).

3. Section 10133.32. Form [DWC-AD 10133.32 “Supplemental Job Displacement Non-Transferable Voucher for Injuries Occurring on or After 1/1/13”]

The activity restrictions have been clarified to include “standing, walking, sitting, climbing, forward bending, kneeling, crawling, twisting, and keyboarding.”

The form is also revised to clarify that if a job description is provided, the physician would discuss physical requirements rather than activity restrictions.

The instructions on the second page of the form have been clarified to explain that work restrictions should indicate how many hours a particular activity is restricted rather than performed. A sentence discussing the use of the other restrictions box has been deleted because explanations of checked restrictions can now be described in a separate box.

4. Section 10133.34.

Subdivision (b) is added to clarify that the offer of work is to be made no later than 60 days after receipt of the Physician’s Return-to-Work & Voucher Report that indicates the work capacities and activity restrictions that are relevant to regular work, modified work, or alternative work.