

RETURN TO WORK REGULATIONS	RULEMAKING COMMENTS 2 <sup>ND</sup> 15 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
Section 10003  Form DWC-AD 10003	<p>Commenter suggests the current language:</p> <p>"This position provides wages and compensation of \$____, that are equivalent to the wages and compensation paid to you at the time of your injury"</p> <p>be changed to:</p> <p>"This position provides wages and compensation of \$____, that are <i>no less than</i> the wages and compensation paid to you at the time of your injury"</p> <p>The reason is that between the injury and time this form is sent, we often have employees who qualify for scheduled cost of living increases or merit increases, such that the pay at the time of offer will be higher than at the time of injury.</p>	Janet Selby Municipal Pooling Agency April 5, 2006 Written Comment	Agree. The suggested language is more accurate when considering the situation described.	This part of section 10003 has been amended to reflect this suggestion.
General Comment	Commenter agrees with the proposed regulations and has no further comment.	Christine D. Coakley Legislative & Regulatory Analyst - The Boeing Co. April 10, 2006 Written Comment	Commenter agrees with the proposed changes to the regulations.	None.
Section 10001(a)	Commenter believes that the change in the definition is going to create more problems than it solves. Commenter questions if the DOI employer gets to take a 15% reduction in the PD rate if the injured worker goes to work for another employer? If so, this would mean the DOI employer is rewarded for what	Allan Leno Leno & Associates April 16, 2006 Written Comment	Disagree. This definition was modified to reflect that for a seasonal employee, alternative work may be offered either by the employer who employed the worker at the time of injury or by another employer. Because of the nature of seasonal	None.

	<p>is nothing more than a fortuitous event; is this equitable for all those employers who actually made an effort to retain their injured employee? Further commenter wonders if it is equitable for the injured employee who is the one who actually made the effort to find employment – it would seem that the employee is being penalized for his/her motivation while the employer is rewarded for doing nothing. Does the new employer have the opportunity to obtain reimbursement for the costs of job modification? Commenter believes that this change really has no logical support.</p>		<p>work, having this option may more readily effectuate a return to work.</p>	
<p>Section 10001 Request for additional definition</p>	<p>Commenter believes that the Division should add a definition for temporary/transitional work. Commenter states that a number of employers and insurers are making an effort to bring employees back to work in temporary light duty/transitional jobs to facilitate their recovery and return to the work place and that these efforts should be encouraged.</p>	<p>Allan Leno Leno &amp; Associates April 16, 2006 Written Comment</p>	<p>Disagree. This comment is beyond the scope of the proposed modifications made to the Return to Work regulations during the second 15-day comment period.</p>	<p>None.</p>
<p>Section 10002</p>	<p>Commenter believes that this section should recognize that employees can be brought back to work in temporary light duty or transitional positions while they are still TTD. It is not unusual for injured workers to return to work in these types of positions while they are still technically TTD. The statute seems to require an offer of permanent modified or alternative positions in these cases but the employer cannot make such an offer while before the treating physician has provided permanent work restrictions (which they will not do until the injured worker's medical situation becomes permanent and stationary. To satisfy both the statutory</p>	<p>Allan Leno Leno &amp; Associates April 16, 2006 Written Comment</p>	<p>Disagree. This comment is beyond the scope of the proposed modifications made to the Return to Work regulations during the second 15-day comment period.</p>	<p>None.</p>

	requirements and the employers reluctance to offer a permanent modified/alternative position before the need is known, it would seem appropriate to have a form (let's call it a 10133.53(a)) that offers temporary light duty/transitional work during this limited period AND require that the return to work process is not satisfied unless the temporary offer is followed up – timely – with either a 10133.53 offer of a permanent modified/alternative position, an offer of regular work, or a voucher.			
Section 10133.53	<p>Commenter states that the Notice of Offer of Modified or Alternative Work is not appropriate for a temporary position since it specifies conditions that do not apply for transitional or temporary assignments. Specifically, the employee does not have 30 days to respond to an offer of temporary/transitional work – they either accept the position immediately or they will have no income (TTD stops). The position will not last at least one year – by design, temporary and transitional positions do not last more than 90 days except by specific agreement. Also, the employee's PD payments cannot be adjusted by 15% based on their acceptance/rejection of the offer. Using the <u>CCR §10133.53</u> for a temporary/transitional position is therefore very misleading to the injured worker.</p> <p>It should not be difficult to modify the <u>CCR §10133.53</u> form for use as an offer of temporary/transitional work.</p>	Allan Leno Leno & Associates April 16, 2006 Written Comment	<p>Disagree. This comment is beyond the scope of the proposed modifications made to the Return to Work regulations during the second 15-day comment period.</p> <p>Rather than dealing with the issue of use of this form as an offer of temporary/transitional work, the modifications proposed deal with (1) correcting the zip code on page 1 of the Form from 94102-3660 to 94142-0603; (2) adding a Proof of Service at page 3 of the form; and (3) updating the date of the form from (08/05) to (05/06) at the bottom of pages 1-3 of the Form.</p>	None.
Section 10003	Commenter states that the length and complexity of this form is onerous to claims	Allan Leno Leno & Associates	Disagree. The form contains pertinent information needed for	None.

	<p>administrators in that it must be completed for all injured employees who (1) have PD and (2) return to regular work. This form would apply to ½ to 2/3 of all indemnity cases. In many, if not most, cases the form would be sent to an employee who has already returned to work. The claims administrators' efforts would thus be wasted and might well be confusing to the employee. Imagine receiving an offer of your own job, one that you returned to days or weeks ago.</p> <p>This form also requires information that is not relevant for the injured worker who has been released to regular duty. For example, the location and shift are issues between the employer and employee. The employer has the right to re-assign the employee to a different location or shift, as long as that reassignment is not punitive in nature. Similarly, the commuting distance is not an issue included in 4658(d) and 4658.6 does not apply to regular work so there is no basis to include the commuting distance advice on the form (If there are disputes, the remedy for injured workers is <u>L. C. § 132(a)</u> and resolution falls to the trier of fact – the WCAB).</p> <p>Finally, the employee's acceptance or rejection of the offer is not relevant for the form. The employer's obligation is to make the offer; the PD adjustment applies whether the employee accepts, rejects, or does not respond to the offer. It should be sufficient to refer the employee to his/her attorney (if represented) or to the Information &amp;</p>	<p>April 16, 2006 Written Comment</p>	<p>noticing a notice of offer of regular work, and is in compliance with Labor Code § 4658.</p> <p>The proposed regulations cannot unilaterally change what is mandated by statute.</p>	<p>None.</p>
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	<p>Assistance Officer (if unrepresented).</p> <p>Commenter states this form should be reduced to a simple letter that advises the employee that (1) they have been released to full duty, (2) they should contact their employer to arrange a return to work date if they have not already done so, (3) their PPD will be reduced by 15% 60 days from P&amp;S if their employer has 50 or more employees, (4) the job must last at least 12 months, and (5) advise them regarding their remedies if they disagree with the offer.</p> <p>Assuming 250,000 indemnity claims per year, claims administrators may be required to complete 150,000+ of these forms per year – and most of them for injured workers who have already returned to their jobs. Commenter believes that this proposed form constitutes an unreasonable burden for the claims administrator.</p>			
Section 10002	<p>Commenter would like to point out the burden on the employer if they wait until the injured employee becomes permanent and stationary to issue within 60 calendar days the notice of offer of Work. By the time an employee becomes P&amp;S most if not all the PD could be paid out (because the administrator is obligated to pay PD if the claim so warrants it) and therefore the employee does not get the 15% reduction because the regs are indicating on the “remaining” portion to be paid. How does this benefit the employer? If the regs stay as they are, then commenter believes the employer should be provided the option to delay PD until receipt of a P&amp;S report or</p>	<p>Connie A. Edwards Assistant Vice President Sedgwick April 19, 2006 Written Comments</p>	<p>Disagree. Labor Code § 4658 requires “within 60 days of disability becoming permanent and stationary” that the offer be made in the form and manner prescribed by the Administrative Director.</p>	<p>None.</p>

	<p>shouldn't there be some consistency between the regs for injuries on or after 1/1/04 and 1/1/05? Commenter states that it makes no sense to issue the notice after the administrator has knowledge that an employee can be go back to permanent mod/alt rather than waiting for a P&amp;S report. This will expedite the process for both the injured employee and the employer.</p>			
General Comments	<p>Commenter requests that the Division consider the following two changes:</p> <ol style="list-style-type: none"> <li>1. This section shall not apply to state, county or local public agencies</li> <li>2. This section shall not apply in cases where the injured worker returns to regular duties but is not yet permanent and stationary. The duty to pay PD advances and offer of regular work shall commence upon receipt of the permanent and stationary report.</li> </ol> <p>Commenter is addressing us from a public agency point of view, stating the amount of paperwork they will have to file to be compliant with these regulations is ridiculous, and will kill a lot of trees. Most public agency employees return to work following injury to their regular jobs. For Police and Fire, work restrictions precluding return to work generally occur as they approach the retirement age. In the meantime, they suffer frequent injuries during their service to their agency. For miscellaneous employees, the injury frequency is much less, and if work</p>	<p>Carolyn Richard Claims Administrator City of Santa Ana April 19, 2006 Written Comments</p>	<p>Disagree. This comment is beyond the scope of the proposed modifications made to the Return to Work regulations during the second 15-day comment period.</p>	<p>None.</p>

	<p>restrictions are imposed, they occur after a period of return to modified duties, or in some cases, full duties.</p> <p>The choice that public agencies have is to both ignore all the paperwork requirements, and simply pay any PD due without regard to a 15% reduction, for those public servants who return to work, or, to be compliant, they will have to:</p> <ol style="list-style-type: none"> <li>1. Send a notice of offer of regular work when they RTW even though they are not yet P&amp;S, in cases where PD advances are due based on the likely rating under AMA for the diagnosis of the condition (to take advantage of the 15% reduction)</li> <li>2. Send a second offer of regular work when the P&amp;S report is received.</li> <li>3. In cases where an employee returns to work at a temporary modified position, and the condition is likely to result in ratable factors of PD (based on the diagnosis - i.e.: surgical knee), we have to start advancing PD, and won't even be able to avail ourselves to the 15% discount because he/she is not yet P&amp;S.</li> </ol> <p>Commenter points out public agencies can't even avail themselves to the reimbursement program the state offers if they provide modified work, because they are precluded as public agencies. Was that really the intent of the legislators? As it is, all of the notices</p>			
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	<p>public agencies must send result in some confusion to our injured employees. Now, they will perceive these additional notices as a threat to their livelihood and this may increase litigation.</p> <p>Commenter believes the State Audit Unit stands to make a profit with penalties due to the cumbersome nature of these notifications and that legislators should consider revising these regulations to exempt their application to State or Local governments, which were clearly devised with the private sector in mind.</p>			
<p>Section 10001(a); 10001(g) and 10002(g)(2) General Comments</p>	<p>Commenter states that these subsections give conflicting direction as to what wages suffice in a bona fide offer of work for an injured seasonal employee.</p> <p>Subsection (a) of section 10001 states that an offer of alternative work for a seasonal employee shall be at least 85% of the wages paid to the employee at the time of injury – and we agree. However, subsection (f) of section 10001 and subsection (g)(2) of section 10002 suggest that offers of modified or alternative work to a seasonal employee should be the same as the wages at time of injury, rather than 85%. Specifically, for modified or alternative work for seasonal employees, subsection (f) of Section 10001 provides for wages and compensation “equivalent” to those paid to the employee at the time of injury. Subsection (g)(2) of Section 10002 provides for “reasonably similar wages...” for alternative and modified work instead of the statutory requirement of</p>	<p>Jose Ruiz, Claims Operations Manager State Compensation Insurance Fund April 19, 2006 Written Comments</p>	<p>Agree. The definitions as drafted contain inconsistencies.</p>	<p>Section 10001(f) has been modified.</p>

	85%. Furthermore, the term “reasonably similar wages...” for regular work is inconsistent with the statutory requirement that wages be “equivalent” to those paid to the employee at the time of injury.			
Section 10001(f)	<p>Commenter suggests the following language:</p> <p>“<i>Seasonal Work</i>” means the employee’s usual occupation or the position in which the employee was engaged at the time of injury <del>and that offers wages and compensation equivalent to those paid to the employee at the time of injury in which the employee and</del> regularly works as a daily hire, a project hire, or an annual season hire, <del>and is located within a reasonable commuting distance of the employee’s residence at the time of injury.</del> <u>Labor Code section 4658.1 governs offers of regular, modified or alternative work to employees injured performing seasonal work.</u></p>	Jose Ruiz, Claims Operations Manager State Compensation Insurance Fund April 19, 2006 Written Comments	Agree in part. We agree that modifications need to be made to the definition of “Seasonal Work.”	Streamline the definition of “Seasonal Work” by deleting wording that is part of definitions elsewhere in this subdivision.
Section 10002(g)(2)	<p>the offer of regular, modified or alternative seasonal work is of reasonably similar wages, hours and working conditions to the employee's previous employment, and where the previous employment was on a seasonal basis, as a daily hire, or as a project hire, the one year requirement may be satisfied by cumulative periods of seasonal work. <del>Offers of regular work to a seasonal employee must provide wages and compensation equivalent to those paid at time of injury. Offers of modified or alternative work to a seasonal employee must provide wages and compensation that are at least 85% of those paid at time of injury.</del></p>	Jose Ruiz, Claims Operations Manager State Compensation Insurance Fund April 19, 2006 Written Comments	Agree in part. We agree that modifications need to be made to this section.	Changes were made to Sections 10002 (g) (1) and (2) in order to be consistent with the fact that Section 10001 (a) states that an offer of alternative work for a seasonal employee shall be at least 85% of the wages paid to the employee at the time of injury.
Section 10003	Form DWC-AD 10003 Notice of Offer of Regular Work states, “I, [Claims Adjuster],	Jose Ruiz, Claims Operations Manager	Agree.	Modifications have been made according to

	<p>have verified with the employer the facts concerning this job offer.” Commenter does not object to requiring verification of the facts concerning an offer of work. However, adjusters cannot validate the accuracy of the information and can only convey what the employer described.</p> <p><b><u>Recommendation:</u></b>  Commenter offers the following language:</p> <p>I, (claims adjuster name), obtained the above job offer information from your employer.</p>	<p>State Compensation Insurance Fund  April 19, 2006  Written Comments</p>		<p>commenter’s suggestion.</p>
<p>Sections 10001(a), 10001(f), 10001(g)</p>	<p>Commenter requests that the Division remove the revisions made to these sections.</p> <p>Based on commentary received from the workers’ compensation community in February, the Administrative Director (AD) has modified new regulations in an attempt to address employees injured in jobs that were seasonal or temporary in nature. Basic fairness would seem to require for seasonal or temporary employees, a different set of rules that do not require permanent full-time jobs in order to avail themselves of the statutory return to work incentive.</p> <p>It appears that the new regulatory scheme contained in these sections is an attempt to allow the “at injury” employer, or another employer, to offer similar seasonal work – wages, hours, and working conditions -- over multiple seasons to satisfy the statutory requirement of work lasting “for a period of at least 12 months.”</p>	<p>Brenda Ramirez  Medical and Rehabilitation Director</p> <p>Michael McClain  Vice President and General Counsel  California Workers’ Compensation Institute  April 19, 2006  Written Comments</p>	<p>Disagree. We believe that the proposed regulations and proposed modifications are workable and comply with statutory authority.</p>	<p>None.</p>

	<p>Commenter believes that the new scheme is unworkable. As drafted, the new regulations are vague and contradictory, which may lead employers to take inappropriate PD adjustments subjecting them to reimbursements, fines, and penalties. The regulations also create a two-tiered system of RTW incentives where similar seasonal employment can be offered by the “at injury” employer or another employer, but this cannot be done by all employers.</p> <p>On the one hand, this regulatory scheme, at first glance, seems to allow the seasonal employer to offer the injured worker a similar seasonal position with the same hours and conditions of employment – what they had when they were working – no more, no less. But on closer inspection, the specific regulatory requirements make a qualifying offer all but impossible to establish. The regulation requires the alternative work to be within “... a reasonable commuting distance of the employee's residence at the time of injury” or the offer will not qualify.</p> <p>For seasonal employees, that is certainly problematic. Section 10001 reiterates the 85% wage standard from the statute, but section 10002(g)(2) uses “reasonably similar wages”. The definition of alternative work for the PD adjustment is different from that used for the supplemental job displacement benefit. The regulation purports to allow job offers made by other employers, yet the claims administrator is not likely to be aware of such offers and the failure to meet the regulatory</p>		<p>Disagree. See response to 4/19/06 comment of Jose Ruiz.</p>	<p>None.</p>
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	60-days from permanent and stationary status timeline or use the proper DWC form would disqualify these offers. If job offers from other employers can be legitimately used under the statute to trigger the PD adjustment for employers who hire daily, project, and seasonal employees, then it should also be permissible for employers who hire permanent full-time workers.			
Section 10001(f)	<p>If the Division intends to retain special provisions relating specifically to seasonal employment, then the definitions must be simplified and the offer language must be clarified. Recommendations are provided in an effort to solve the disparity between employers and create a system that offers seasonal and temporary employees a return to work effort that is equitant to their position at the time of injury.</p> <p>Commenter recommends using the following definition for seasonal work:</p> <p>“Seasonal Work” means employment based on daily hire, project hire, or annual season hire.</p>	<p>Brenda Ramirez Medical and Rehabilitation Director</p> <p>Michael McClain Vice President and General Counsel California Workers’ Compensation Institute April 19, 2006 Written Comments</p>	Agree.	Modifications have been made to this subdivision.
Section 10002(g)	<p>Commenter recommends the following language:</p> <p>If the employer offers regular, modified, or alternative seasonal work to the employee, the offer shall meet the following requirements:</p> <p>(1) the employee was hired on a seasonal basis, as a daily hire, or as a project hire <u>basis</u></p>	<p>Brenda Ramirez Medical and Rehabilitation Director</p> <p>Michael McClain Vice President and General Counsel California Workers’ Compensation Institute</p>	Agree in part.	Modifications have been made to these sections.

	<p><del>prior to injury;</del></p> <p>(2) the offer of regular, modified or alternative <del>seasonal</del> work may be on a similar seasonal basis to the seasonal work at the time of injury for at least a 12 month period, <del>is of reasonably similar wages, hours and working conditions to the employee's previous employment, and where the previous employment was on a seasonal basis, as a daily hire, or as a project hire, the one year requirement may be satisfied by cumulative periods of seasonal work; ...</del></p> <p>Delete the citation to Henry v. WCAB.</p> <p>Labor Code Section 4658(d)(2) and (3) specifically state that the employer must offer regular, modified or alternative work “for a period of at least 12 months”. The Division, in the context of seasonal employment, is clearly requiring an offer of 12months of work. Commenter believes that this will lead to absurd and impractical results never intended by the statute.</p> <p>If the Division is going to deal with seasonal employment, then the statute must be read in the context of the position at the time of injury. A seasonal employee should be offered similar seasonal reemployment. The 12-month statutory period is the timeframe within which the offer must be made. If an employee works for a 6 month harvesting season or for 4 months on contract for a film, then the</p>	<p>April 19, 2006 Written Comments</p>	<p>Disagree. The employer is required to follow federal law regarding making offers of employment to undocumented workers.</p>	<p>None.</p>
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	<p>employer is required to make a qualifying offer of employment within the following 12 month period and that should satisfy the statutory requirement.</p>			
Section 10002(f)	<p>Commenter recommends the following language:</p> <p>If an employer has work available that meets the statutory criteria, but cannot offer that it due to the worker's immigration status, whenever that becomes known, then the employer should be allowed to decrease the PD payments in accordance with section 4658(d)(3)(A).</p> <p>In Del Taco v. WCAB (2000) 65 CCC 342, the Board's award provided an undocumented worker more extensive and costly services than would be offered to a similarly situated legal worker. A worker legally residing in the US would not be offered vocational rehabilitation services and retraining because the employer had suitable modified work available. The award relied on a distinction and classification that the reviewing court found to be "irrational and arbitrary." Such an unjustified classification is a violation of the employer's constitutional right to equal protection.</p> <p>Similarly, the availability of modified or alternative work is the key to the statutory incentive for RTW, not the timing of the knowledge relating to the worker's immigration status. If the alternative work is available and would be offered but for the employee's immigration status, then the</p>	<p>Brenda Ramirez Medical and Rehabilitation Director</p> <p>Michael McClain Vice President and General Counsel California Workers' Compensation Institute April 19, 2006 Written Comments</p>	<p>Disagree. The employer is required to follow federal law regarding making offers of employment to undocumented workers.</p>	<p>None.</p>

	<p>adjustment should be allowed. The regulation should clearly state that the employer may make a conditional offer of alternative seasonal work contingent upon the employee obtaining legal immigration status. Otherwise, a worker legally residing in the US would be paid a decreased rate, while an undocumented worker would be paid at a higher rate based on his inability to accept the alternative work.</p>			
Section 10003	<p>Commenter would revise the regular work section of the form as follows:</p> <p>Based on the opinion of treating physician QME AME _____ on _____ (date), you are able to return to your usual occupation or to the position you held at the time of your injury on _____ (date).</p> <p>“Usual occupation” appears to have been inadvertently overlooked in the form. Labor Code section 4658.1(a) defines “regular work” as either “<i>the employee’s usual occupation or the position in which the employee was engaged at the time of the injury...</i>” In order to comply with the statute, it is necessary to add “usual occupation” to the form so that both usual occupation and at-injury position are addressed in the form. Commenter recommends repositioning the date reference on the form so that it is clear that it applies to the date on which the employee is able to return to work, and not to the date of injury.</p>	<p>Brenda Ramirez Medical and Rehabilitation Director</p> <p>Michael McClain Vice President and General Counsel California Workers’ Compensation Institute April 19, 2006 Written Comments</p>	<p>Agree that “usual occupation” complies with Labor Code section 4658.1 and should have been included.</p>	<p>Modification has been made to the form.</p>
Section 10003	<p>Commenter would revise the language relating to “a period of at least 12 months” as follows:</p>	<p>Brenda Ramirez Medical and Rehabilitation Director</p>	<p>Agree in part.</p>	<p>Modification has been made to this section.</p>

	<p>This position is expected to last <del>for a total of</del> at least 12 months <del>of work</del>. If this position does not last <del>for a total of at least</del> 12 months <del>of work</del>, you may be entitled to an increase in your permanent disability benefit payments. This position provides wages and compensation of \$ _____, that are equivalent to the wages and compensation paid to you at the time of your injury.</p> <p>These recommended changes relate to the prior discussion (above) on seasonal employment and the definition of “a period of at least 12 months.”</p>	<p>Michael McClain Vice President and General Counsel California Workers’ Compensation Institute April 19, 2006 Written Comments</p>		
Section 10003	<p>Commenter recommends deleting the proposed verification statement for the claims administrator.</p> <p>Commenter state the verification statement is unnecessary. The offer of reemployment is an issue between the employer and the employee and may or may not be conveyed by the claims administrator. There are no other DWC forms, including the current forms DWC-AD 10133.53 or the DWC RU94, which have included a verification statement. Claims Administrators may make job offers on behalf of the employer, therefore any job offer made is based on the claims administrator’s knowledge and claims handling procedures for that employer. The verification adds nothing to the process and may cause unnecessary confusion and delay.</p>	<p>Brenda Ramirez Medical and Rehabilitation Director</p> <p>Michael McClain Vice President and General Counsel California Workers’ Compensation Institute April 19, 2006 Written Comments</p>	Disagree. See response to 4/19/06 comment of Jose Ruiz.	None.
Section 10003	<p>Commenter suggests revising the dispute language as follows:</p>	<p>Brenda Ramirez Medical and Rehabilitation Director</p>	Disagree. The suggested language is similar to the language in the proposed regulation and adds no	None.

	<p>If <del>either party</del> has a dispute <del>occurs</del> regarding the <del>above offer or agreement, of regular work,</del> <del>that either party</del> may file a Declaration of Readiness with the local district office of the Workers' Compensation Appeals Board (WCAB).</p> <p>Commenter believes that this language should be consistent with language in the Notice of Modified or Alternative Work (section 10133.53).</p>	<p>Michael McClain Vice President and General Counsel California Workers' Compensation Institute April 19, 2006 Written Comments</p>	benefit.	
Section 10003	<p>Commenter states that the proof of service by mail should be removed from the form.</p> <p>The statute places no limits on how the employee is to be served or the type of proof of that service. For example, if the employer serves the employee personally with the offer of regular work (often the case), the employer should be permitted to prove personal service. Commenter finds it unnecessary and confusing to the employee for the employer to additionally serve the employee by mail in order to document proof of service by mail in the form.</p> <p>Section 10002(b)(3) requires the employer to use the existing Form DWC-AD 10133.53 to offer modified or alternative work. That form does not include a proof of service by mail page. The forms that offer modified/ alternative and regular work should be consistent with one another in this regard, allowing the employer flexibility on the manner and proof of service.</p>	<p>Brenda Ramirez Medical and Rehabilitation Director</p> <p>Michael McClain Vice President and General Counsel California Workers' Compensation Institute April 19, 2006 Written Comments</p>	Disagree. Because significant consequences can result from not adhering to the statutory timeframes, a proof of service is necessary and may result in fewer disputes regarding when an offer was made.	None.
Sections 10133.53 and	Commenter recommends the Division remove	Brenda Ramirez	Disagree. The proposed regulations	None.

10133.55	<p>all revisions from these sections.</p> <p>Commenter states these regulations have not been noticed in accordance with the Administrative Procedures Act and cannot be revised as proposed.</p> <p>The regulations implementing the supplemental job displacement benefit were finalized and became effective on August 1, 2005. The mandatory form DWC-AD 10133.53 Notice of Offer of Modified or Alternative Work and the Request for Dispute Resolution form were included in that implementation.</p> <p>In order to revise this regulation, the AD must comply with the provisions of the Administrative Procedures Act, Government Code section 11340, et seq. These regulations have not been noticed in accordance with the Administrative Procedures Act and cannot be revised as proposed.</p>	<p>Medical and Rehabilitation Director</p> <p>Michael McClain Vice President and General Counsel California Workers' Compensation Institute April 19, 2006 Written Comments</p>	refer to both of these forms and both deal with compatible subject matter.	
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