

**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
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 July 18, 2013. Written comments may be submitted via facsimile transmission (FAX), addressed to the

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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
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***~~.

Proposed Text Noticed for the 3rd 15-Day Comment Period on Modified Text:

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

Deletions are indicated by Verdana font and single strikethrough, thus: ~~deleted language~~.

SUMMARY OF PROPOSED CHANGES

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

Subdivision (f) is deleted and the subdivisions were re-lettered to accommodate the change in order.

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

Subdivision (f)(5) is amended to allow injured workers to submit written bids from a computer retailer to obtain payment for the purchase of computer equipment because they may not have the funds to purchase the equipment up-front. If the injured worker receives funds based upon submission of a written bid, the injured worker will be required to submit receipts. Failure to submit receipts will result in a \$1,000 deduction from the total amount allowable by the voucher.

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

A separate Request for Purchase of Computer Equipment was added to the form. Injured workers can submit either a written bid from a computer retailer or receipts of purchase. Following the purchase, receipts for the computer equipment must be submitted to the claims administrator.

4. Section 10133.34. Offer of Work for Injuries Occurring on or After 1/1/13

Subdivision (b)(4) was deleted and the subdivisions were renumbered to accommodate the change in order.