

TITLE 8. INDUSTRIAL RELATIONS

DIVISION 1. DEPARTMENT OF INDUSTRIAL RELATIONS
CHAPTER 4.5. DIVISION OF WORKERS' COMPENSATION
SUBCHAPTER 1.5. INJURIES ON OR AFTER JANUARY 1, 1990
ARTICLE 7.5. SUPPLEMENTAL JOB DISPLACEMENT BENEFIT

8 CCR 10133.31

§ 10133.31. ~~Requirement to Issue~~ Supplemental Job Displacement Nontransferable Vouchers for Injuries Occurring on or After January 1, 2013.

(a) This section shall apply to all injuries occurring on or after January 1, 2013.

(b) If the injury causes partial permanent disability, the employee shall be entitled to a Supplemental Job Displacement Benefit unless the employer makes an offer of regular, modified, or alternative work ~~that meets both the following: criteria: pursuant to section 10133.34 no later than 60 days after receipt by the claims administrator of the Physician's Return to Work & Voucher Report (Form DWC-AD 10133.36) that indicates the work capacities and activity restrictions that are relevant to regular work, modified work, or alternative work.~~

~~(1) The offer is made within 60 days after receipt by the claims administrator of the Physician's Return to Work & Voucher Report (Form DWC-AD 10133.36).~~

~~(A) (1) Upon receipt of the first Physician's Return-to-Work & Voucher Report (Form DWC-AD 10133.36), the claims administrator shall forward the form to the employer.~~

~~(B) (2) If the claims administrator provides the physician with a job description of the employee's regular work, proposed modified work, or proposed alternative work, the physician shall complete the bottom portion of the Physician's Return-to-Work & Voucher Report (Form DWC-AD10133.36.)~~

~~(2) The offer is for regular work, modified work, or alternative work lasting at least 12 months.~~

(c) ~~An employee who has lost no time from work or has returned to the same job for the same employer, is deemed to have been offered and accepted regular work in accordance with the criteria set forth in Labor Code section 4658(b)-4658.7(b).~~

(ed) If no offer for regular, modified, or alternative work is made, pursuant to subdivision (b), the claims administrator shall furnish a "Supplemental Job Displacement Nontransferable Voucher For Injuries Occurring on or After 1/1/13" (Form DWC-AD 10133.32) within 20

calendar days from expiration of time for making an offer of regular, modified, or alternative work pursuant to paragraph (1) of subdivision (b).

(de) The voucher shall be redeemable up to an aggregate of six thousand dollars (\$6,000).

(ef) The voucher may be applied to any of the following expenses at the choice of the injured worker:

(1) Payment for education-related training or skill enhancement, or both, at a California public school or with a provider that is certified on the state's Eligible Training Provider List at <http://etpl.edd.ca.gov>, including payment of tuition, fees, books, and other expenses required by the school for retraining and skill enhancement.

(2) Payment for occupational licensing or professional certification fees, related examination fees, and examination preparation course fees.

(3) Payment for services of licensed placement agencies, vocational or return-to-work counseling, and resume preparation, all up to a combined limit of six hundred dollars (\$600).

(4) Purchase of tools required by a training or educational program in which the employee is enrolled.

(5) Purchase of computer equipment including, but not limited to monitors, software, networking devices, input devices (such as keyboard and mouse), peripherals (such as printers), and tablet computers of up to one thousand dollars (\$1,000) ~~reimbursable after cost is incurred payable upon submission of a Request for Purchase of Computer Equipment (page 4 of the DWC-AD Form 10133.32) and submitted with appropriate documentation of either a written bid from invoice payable to a computer retailer or itemized receipts showing the purchase(s) of computer equipment. If the employee receives funds based upon submission of a written bid, the employee shall submit itemized receipt(s) demonstrating the actual purchase of computer equipment to the claims administrator. If the employee fails to submit the itemized receipt(s) of the purchase(s) of computer equipment, \$1,000 will be deducted from the \$6,000 total allowable by the voucher. At the time the voucher is provided, the claims administrator or employer may give the employee the option to obtain computer equipment directly from the employer. The employee shall not be entitled to reimbursement for purchase of games or any entertainment media.~~

(6) Up to five hundred dollars (\$500) as a miscellaneous expense reimbursement or advance, payable upon submission of a Request for Miscellaneous Expenses (page 3 of the DWC-AD Form 10133.32) ~~written request with a copy of the voucher~~ and without need for itemized documentation or accounting. The claims examiner may provide an email

address on Form [DWC-AD 10133.32 “Supplemental Job Displacement Nontransferable Voucher for Injuries Occurring on or After 1/1/13]; if an email address is provided, the employee can submit the request via email or regular mail. The employee shall not be entitled to any other voucher payment for transportation, travel expenses, telephone or internet access, clothing or uniforms or incidental expenses.

(fg) The voucher will expire two years after the date it is furnished to the employee, or five years after the date of injury, whichever is later. The employee ~~shall may not receive be entitled to~~ payment or reimbursement of any expenses that have not been incurred and submitted with appropriate documentation to the claims administrator prior to the expiration date.

(gh) Settlement or commutation of a claim for the supplemental job displacement voucher is not permitted.

(hi) An employer shall not be liable for compensation for injuries incurred by the employee while utilizing the voucher.

(ij) The claims administrator shall issue the ~~reimbursement~~ voucher payments to the employee or direct payments to the VRTWC, ~~and the training providers, and/or computer retailer~~ within 45 calendar days from receipt of the completed voucher, receipts, and documentation. If computer equipment will be provided directly to the employee, the employer must provide the computer equipment along with documentation of the cost of the computer equipment to the employee within 45 days of receipt of the Request for Purchase of Computer Equipment.

Authority: Sections 133, 4658.1, 4658.7 and 5307.3, Labor Code.

Reference: Sections 4658.6 and 4658.7, Labor Code.