

- Policy & Procedure
- Take Note
- Milestones

State of California

DWCNewsline

Division of Workers' Compensation
Rosa Moran, Administrative Director

1515 Clay Street, 17th floor, Oakland, CA 94612 (510) 286-7100

Internet Web Page: <http://www.dwc.ca.gov>

Newsline No. 37-11
August 12, 2011

Notice of rulemaking and public hearing regarding proposed public disability accommodation regulations

The Division of Workers' Compensation (DWC) has proposed new regulations for accommodating individuals with disabilities participating in the workers' compensation system.

The proposed regulations establish the disability accommodation process and procedure to request disability accommodations by public participants in DWC's activities, programs or services. Disability accommodation regulations are required under California Government Code section 11138 to implement section 11135's anti-discrimination provisions for individuals with disabilities when a state agency provides services, programs and activities to the public.

Two sets of regulations, one set under the authority of the DWC administrative director and a second set under the authority of the court administrator, are being proposed to ensure all of the division's programs, services and activities are covered, including the workers' compensation adjudication system.

The [proposed regulations](#) will be adopted in the following sections of Title 8, California Code of Regulations:

Administrative director's proposed regulations:

Section 9708.1	Definitions
Section 9708.2	Disability Accommodation Request Process
Section 9708.3	Confidentiality
Section 9708.4	Disability Accommodation Request in Administrative Hearings under the Jurisdiction of the Administrative Director
Section 9708.5	Decision-making Process
Section 9708.6	Appeal Procedure

Court administrator's proposed regulations:

Section 10226.1	Definitions
Section 10226.2	Disability Accommodation Request Process
Section 10226.3	Confidentiality
Section 10226.4	Disability Accommodation Requests in Workers' Compensation Cases
Section 10226.5	Decision-making Process
Section 10226.6	Appeal Procedure

The regulations provide:

- The process to request an accommodation if you have a disability
- The reasonable disability accommodations that may be available
- The decision-making process for determining a reasonable disability accommodation
- The procedure to appeal a decision on an accommodation request.

The proposed regulations are posted on the DWC Web site and has been forwarded to the Office of Administrative Law for publication in the California Notice Register.

A public hearing on the regulations is scheduled for:

Date: Tuesday, Sept. 27, 2011
Time: 10:00 a.m. to 5:00 p.m. or until conclusion of business
Place: Elihu Harris State Office Building – auditorium
1515 Clay Street
Oakland, California 94612

Members of the public may comment on the proposed regulations until 5 p.m. on Sept. 27, 2011.

The proposed regulations are authorized under Labor Code sections 127.5, 133, 5307, 5307.3, and 5307.4 and Government Code section 11138 which enable the division to promulgate regulations that enforce state and federal laws protecting the rights of individuals with disabilities to participate equally in the activities, programs and services offered by the state.

###