State of California Office of Administrative Law

In re:

Department of Industrial Relations

Regulatory Action:

Title 08, California Code of Regulations

Amend sections: 17304

NOTICE OF APPROVAL OF REGULATORY **ACTION**

Government Code Section 11349.3

OAL Matter Number: 2017-0224-02S

OAL Matter Type: Regular (S)

In this regular rulemaking, the Department of Industrial Relations is amending section 17304 in title 8 of the California Code of Regulations. The amendments to Section 17304 extend the Return-to-Work Supplement application deadline for individuals who became eligible for the benefit prior to December 1, 2015, for an injury occurring on or after January 1, 2013.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 3/20/2017.

Date:

March 14, 2017

Attorney

For:

Debra M. Cornez

Director

Copy:

Original: Christine Baker Gayle T. Oshima

STATE OF CALIFORNIA-OFFICE OF ADMII NOTICE PUBLICATION/REGU STD, 400 (REV, 01-2013)

NOTICE FILE NUMBER

OAL FILE

NUMBERS

(See instructions on reverse)

For use by Secretary of State only

ENDORSED - FIL in the office of the Secretary of State

MAR 14 2017

017-022 7_2016-0906-06 For use by Office of Administrative Law (OAL) only

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EMERGENCY NUMBER

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NOTICE REGULATIONS AGENCY WITH RULEMAKING AUTHORITY AGENCY FILE NUMBER (If any) Department of Industrial Relations A. PUBLICATION OF NOTICE (Complete for publication in Notice Register) FIRST SECTION AFFECTED 2. REQUESTED PUBLICATION DATE 1. SUBJECT OF NOTICE TITLE(S) 3. NOTICE TYPE Notice re Proposed 4. AGENCY CONTACT PERSON TELEPHONE NUMBER FAX NUMBER (Optional) Other Regulatory Action ACTION ON PROPOSED NOTICE PUBLICATION DATE NOTICE REGISTER NUMBER OAL USE Approved as Disapproved/ 09-16-2016 2016.38-7 ONLY Withdrawn B. SUBMISSION OF REGULATIONS (Complete when submitting regulations) 1a. SUBJECT OF REGULATION(S) 1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) Workers' Comp: Return-to-Work Supplement Program 2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related) ADOP. SECTION(S) AFFECTED (List all section number(s) AMEND individually. Attach 17304 additional sheet if needed.) REPEAL TITLE(S) 8 3. TYPE OF FILING Regular Rulemaking (Gov. Certificate of Compliance: The agency officer named Emergency Readopt (Gov. **Changes Without Regulatory** Code §11346) below certifies that this agency complied with the Code, §11346.1(h)) Effect (Cal. Code Regs., title Resubmittal of disapproved or provisions of Gov. Code §§11346.2-11347.3 either 1, §100) withdrawn nonemergency before the emergency regulation was adopted or File & Print Print Only filing (Gov. Code §§11349.3, within the time period required by statute. 11349.4) Resubmittal of disapproved or withdrawn Emergency (Gov. Code. Other (Specify) emergency filing (Gov. Code, §11346.1) §11346.1(b)) 4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, \$44 and Gov. Code §11347.1) 5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100) Effective January 1, April 1, July 1, or Effective on filing with other (Specify) March 20, 2017 §100 Changes Without X October 1 (Gov. Code §11343.4(a)) Regulatory Effect Secretary of State 6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY Fair Political Practices Commission State Fire Marshal Department of Finance (Form STD. 399) (SAM §6660) Other (Specify) CONTACT PERSON TELEPHONE NUMBER FAX NUMBER (Optional) E-MAIL ADDRESS (Optional) Gayle Oshima (510) 286-3824 goshima@dir.ca.gov For use by Office of Administrative Law (OAL) only I certify that the attached copy of the regulation(s) is a true and correct copy

of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, designee of the head of the agency, and am authorized to make this certification.

HEAD OR DESIGNEE SIGNATURE

DATE 3/10/2017

Christine Baker, Director of the Department of Industrial Relations

ENDORSED APPROVED

MAR 1 4 2017

Office of Administrative Law

per agency request

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TITLE(S)	REPEAL			· · · · · · · · · · · · · · · · · · ·
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TITLE 8. INDUSTRIAL RELATIONS DIVISION 1. DEPARTMENT OF INDUSTRIAL RELATIONS CHAPTER 8. OFFICE OF THE DIRECTOR SUBCHAPTER 7. RETURN-TO-WORK SUPPLEMENT ARTICLE 1.

17304. Deadline for Application

- (a) An application for the Return-to-Work Supplement must be received by the Return-to-Work Supplement Program within one year from the date the Voucher (DWC-AD Form 10133.32 (SJDB) Rev: 10/1/15, or later version) was served on the individual.
- (b) Notwithstanding subdivision (a) of this section, an application for the Return-to-Work Supplement from any individual who was issued a Voucher prior to December 1, 2015, for an injury occurring on or after January 1, 2013, must be received by the Return-to-Work Supplement Program no later than-or within one year from the effective date of this subdivisionese regulations, whichever is later.

Note: Authority cited: Sections 54, 55 and 139.48, Labor Code.

Reference: Section 139.48, Labor Code.