



California Workers' Compensation Institute
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September 6, 2013

VIA E-MAIL to dwcrules@dir.ca.gov

Maureen Gray, Regulations Coordinator
Department of Industrial Relations
Division of Workers' Compensation, Legal Unit
Post Office Box 420603
San Francisco, CA 94142

**RE: Supplemental Job Displacement Benefit – Fourth 15-day Comment Period
CCR Sections 9813.1, 10116.9 - 10133.60**

Dear Ms. Gray:

These written comments on additional modifications to regulations proposed for permanent adoption to implement Senate Bill 863 provisions regarding Supplemental Job Displacement Benefit are presented on behalf of members of the California Workers' Compensation Institute (the Institute). Institute members include insurers writing 70% of California's workers' compensation premium, and self-insured employers with \$42B of annual payroll (24% of the state's total annual self-insured payroll).

Insurer members of the Institute include ACE, AIG, Alaska National Insurance Company, AmTrust North America, Chubb Group, CNA, CompWest Insurance Company, Crum & Forster, Employers, Everest National Insurance Company, Farmers Insurance Group, Fireman's Fund Insurance Company, The Hartford Insurance Group, Insurance Company of the West, Liberty Mutual Insurance, Pacific Compensation Insurance Company, Preferred Employers Insurance Company, Springfield Insurance Company, State Compensation Insurance Fund, State Farm Insurance Companies, Travelers, XL America, Zenith Insurance Company, and Zurich North America.

Self-insured employer members are Adventist Health, Agilent Technologies, City of Santa Ana, City and County of San Francisco, City of Torrance, Contra Costa County Schools Insurance Group, Costco Wholesale, County of San Bernardino Risk Management, County of Santa Clara Risk Management, Dignity Health, Foster Farms, Grimmway Enterprises Inc., Kaiser Permanente, Marriott International, Inc., Pacific Gas & Electric Company, Safeway, Inc., Schools Insurance Authority, Sempra Energy, Shasta County Risk Management, Southern California Edison, Sutter Health, University of California, and The Walt Disney Company.

Recommended changes are indicated by underscore and ~~strikeout~~.

Introduction

The revisions recently issued are, for the most part, necessary explanations that will make the voucher program more accommodating and will clarify the mutual obligations of the injured worker and the claims administrator. The Division has done well to implement the new elements of the SJDB with an eye toward practicality and flexibility.

Section 10133.31 and Section 10133.32

Recommendation

Delete the references in the new modifications to the “employer”, as they are redundant and included in the definition of “claims administrator” and replace “employer” with “claims administrator” where necessary.

10133.31

(f)(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) 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 invoice payable to a computer retailer or itemized receipts showing the purchase(s) of computer equipment. 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~~ claims administrator. The employee shall not be entitled to reimbursement for purchase of games or any entertainment media.

(j) The claims administrator shall issue the voucher payments to the employee or direct payments to the VRTWC, 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~~ claims administrator 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.

10133.32

(5) 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 \$1,000 submitted with appropriate documentation (page 4 of this packet). The ~~employer~~ claims administrator may give the employee the option to obtain computer equipment directly from the ~~employer~~ claims administrator. The employee shall not be entitled to reimbursement for games or any entertainment media.

....

I accept the claims administrator's/~~employer's~~ offer to furnish computer equipment. (If an offer was provided.)

....

If the computer equipment will be provided directly to you, ~~your employer must~~ the claims administrator will provide the computer equipment along with documentation of the cost of the computer equipment within 45 days of receipt of this Request for Purchase of Computer Equipment.

Discussion

In all cases, the payer in this program will be the claims administrator – either the claims administrator for an insurer, a self-insured employer, or a permissibly uninsured employer. Employers will not be directly involved in the provision of benefits and it may be confusing to list them in addition to or instead of the claims administrators.

Thank you for considering our testimony. Please contact me if further clarification is needed.

Sincerely,

Michael McClain
General Counsel

MMc/pm

cc: Destie Overpeck, DWC Acting Administrative Director
CWC! Claims Committee
CWC! Medical Care Committee
CWC! Legal Committee
CWC! Regular Members
CWC! Associate Members