

N E W S L I N E

Newsline No. 81-13

November 18, 2013

[Twitter @CA_DIR](#)

[Facebook](#)

DWC Final Supplemental Job Displacement Benefit Regulations Approved

The Office of Administrative Law (OAL) has approved the Division of Workers' Compensation's (DWC) final version of the Supplemental Job Displacement Benefit (SJDB) [regulations](#). OAL approved the SJDB regulations on November 8. Two sections have been repealed (10133.51 and 10133.52, which required the Notice of Potential Right to SJDB Benefit), effective immediately. The modifications to the remaining sections are effective on January 1, 2014.

The SJDB emergency regulations went into effect on January 1, 2013. The final version of the SJDB regulations includes the following changes from the emergency regulations:

- Section 10118, the word "Inclusive" was added to the title to clarify the exact time period. "Retraining and Return to Work Unit" was deleted from the heading as that Unit no longer exists within the Division of Workers' Compensation (DWC). DWC's address was added for filing a Request for Dispute Resolution. On page 3, the case number field was deleted because case numbers may not be assigned at the time offers are made.
- Section 10133.31, subdivision (f)(5) was amended to allow injured workers to submit a written invoice for computer equipment to be paid directly to the retailer. The claims administrator may also offer to provide the computer equipment directly to the employee. Subdivision (j) is amended to indicate that computer equipment must be provided to the employee within 45 days of receipt of the Request for Purchase of Computer Equipment.
- Section 10133.32, the form has been stricken out in its entirety and a new version of the form takes its place. The content on the first two pages of the form were moved to allow for all fillable parts of the form to be on the second page so that the injured worker does not have to photocopy the first page with submission of the second page to the claims administrator. 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.

- Section 10133.34, subdivision (b) was deleted so as not to be duplicative with Section 10133.31.
- Section 10133.35, “Retraining and Return to Work Unit” was deleted from the heading as the unit no longer exists within DWC. DWC’s address was added for filing a Request for Dispute Resolution. The format of the proof of service was amended.
- Section 10133.36, the form was amended to conform to the functional capacity assessment of the DWC Form PR-4 which primary treating physicians complete when declaring an injured worker permanent and stationary. A box was added to allow the physician to describe in what ways the impaired activities are limited.
- Section 10133.53, “Retraining and Return to Work Unit” was deleted from the heading as that Unit no longer exists within DWC. The word “Inclusive” was added to the title to clarify the exact time period. DWC’s address was added for filing a Request for Dispute Resolution.
- Section 10133.55, “Retraining and Return to Work Unit” was deleted from the heading as that Unit no longer exists within DWC. A reason for filing for dispute resolution on page 3 was clarified to encompass objections to job offers and a reason was deleted as the reimbursement program is no longer in existence. Instructions and a proof of service were added to the form.
- Section 10133.57, “Retraining and Return to Work Unit” was deleted from the heading as that Unit no longer exists within DWC. An instruction was corrected on page 2 because not all Training Providers have approval numbers and expiration dates. DWC’s address was added for filing a Request for Dispute Resolution. Information about Information and Assistance was added to the form.
- Section 10133.58, this section was amended to reflect changes to approval of eligible providers.
- Section 10133.60, subdivision (a)(1) was amended to correctly state the requirements for offers of work set forth in section 10133.34.

###