

**STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
Division of Workers' Compensation**

**NOTICE OF MODIFICATION TO TEXT OF
PROPOSED RULEMAKING**

**Subject Matter of Regulations:
Retraining and Return to Work Regulations**

**TITLE 8, CALIFORNIA CODE OF REGULATIONS
Sections 10116 through 10133.58**

NOTICE IS HEREBY GIVEN that the Administrative Director of the Division of Workers' Compensation, pursuant to the authority vested in her by Labor Code sections 133, 138.4, 139.48, 139.5, 4658.5, 4658.6, and 5307.3, proposes to modify the text of the following proposed regulations contained in Articles 6, 6.5, 7, and 7.5, Subchapter 1 to Chapter 4.5 of Title 8, California Code of Regulations, commencing with section 10116, relating to Retraining and Return to Work.

Article 6. Retraining and Return to Work Definitions and General Provisions

- Proposed §10116 Filing and Reporting Requirements.
- Proposed §10116.1 Electronic Filing Exemption.
- Proposed §10116.2 Incomplete Filings.
- Proposed §10116.3 Reproduction of Forms, Notices
- Proposed §10116.4 Technical problems and unavailability of EAMS.
- Proposed §10116.5 Retraining and Return to Work File Retention
- Proposed §10116.6 Misfiled or misdirected documents.
- Proposed §10116.7 Jurisdiction where the issue of injury has not been resolved
- Amended §10116.8 Definitions for Article 6.5 and 7.5.

Article 6.5. Return to Work

- Amended §10117 Offer of Work; Adjustment of Permanent Disability Payments.
- Amended §10118 Form [DWC AD 10118 Notice of Offer of Work].
- Amended §10119 Return to Work Program.
- Amended §10120 Form [DWC AD 10120 Request for Reimbursement of Accommodation Expenses].

Article 7.0. Vocational Rehabilitation

- Amended §10123 Vocational Rehabilitation Reporting Requirements.
- Amended §10127 Dispute Resolution.
- Amended §10128 Request for Order of Rehabilitation Services.
- Amended §10127.1 Conferences.
- Amended §10133.13 Form RU-102 "Vocational Rehabilitation Plan" and Form Filing Instructions.
- Amended §10133.14 Form RU-103 "Request for Dispute Resolution" and Form Filing Instructions.
- Amended §10133.16 Form RU-105 "Notice of Termination of Vocational Rehabilitation Services.

Amended §10133.22 Form RU-122 “Settlement of Prospective Vocational Rehabilitation Services” and Form Filing Instructions.

Article 7.5. Supplemental Job Displacement Benefit

Amended §10133.53 Form DWC-AD 10133.53 “Notice of Offer of Modified or Alternative Work.”

Amended §10133.54 Dispute Resolution.

Amended §10133.55 Form DWC-AD 10133.55 “Request for Dispute Resolution Before the Administrative Director.”

Amended §10133.56 Requirement to Issue Supplemental Job Displacement Nontransferable Training Voucher.

Amended §10133.57 Form DWC-AD 10133.57 “Supplemental Job Displacement Nontransferable Training Voucher Form.”

Amended §10133.58 State Approved or Accredited School.

PRESENTATION OF WRITTEN COMMENTS AND DEADLINE FOR SUBMISSION OF WRITTEN COMMENTS

Members of the public are invited to present written comments regarding these proposed modifications. **Only comments directly concerning the proposed modifications to the text of the regulations will be considered and responded to in the Final Statement of Reasons.**

Written comments should be addressed to:

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

The Division’s contact person must receive all written comments concerning the proposed modifications to the regulations no later than **5:00 p.m. on August 21, 2008**. Written comments may be submitted by facsimile transmission (FAX), addressed to the contact person at (510) 286-0687. Written comments may also be sent electronically (via e-mail), using the following e-mail address: dwcrules@hq.dir.ca.gov.

AVAILABILITY OF TEXT OF REGULATIONS AND RULEMAKING FILE

Copies of the original text and modified text with modifications clearly indicated, and the entire rulemaking file, are currently available for public review during normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays, at the offices of the Division of Workers’ Compensation. The Division is located at 1515 Clay Street, 17th Floor, Oakland, California.

Please contact the Division’s regulations coordinator, Ms. Maureen Gray, at (510) 286-7100 to arrange to inspect the rulemaking file.

The specific modifications proposed include changes to the text of the proposed amendments Title 8, California Code of Regulations:

Article 6. Retraining and Return to Work Definitions and General Provisions

Proposed §10116	Filing and Reporting Requirements.
Proposed §10116.1	Electronic Filing Exemption.
Proposed §10116.2	Incomplete Filings.
Proposed §10116.3	Reproduction of Forms, Notices.
Proposed §10116.4	Technical problems and unavailability of EAMS.
Proposed §10116.5	Retraining and Return to Work File Retention.
Proposed §10116.6	Misfiled or misdirected documents.
Proposed §10116.7	Jurisdiction where the issue of injury has not been resolved.
Amended §10116.8	Definitions for Article 6.5 and 7.5.

Article 6.5. Return to Work

Amended §10117	Offer of Work; Adjustment of Permanent Disability Payments.
Amended §10118	Form [DWC AD 10118 Notice of Offer of Work].
Amended §10119	Return to Work Program.
Amended §10120	Form [DWC AD 10120 Request for Reimbursement of Accommodation Expenses].

Article 7.0. Vocational Rehabilitation

Amended §10123	Vocational Rehabilitation Reporting Requirements.
Amended §10127	Dispute Resolution.
Amended §10128	Request for Order of Rehabilitation Services.
Amended §10127.1	Conferences.
Amended §10133.13	Form RU-102 “Vocational Rehabilitation Plan” and Form Filing Instructions.
Amended §10133.14	Form RU-103 “Request for Dispute Resolution” and Form Filing Instructions.
Amended §10133.16	Form RU-105 “Notice of Termination of Vocational Rehabilitation Services.
Amended §10133.22	Form RU-122 “Settlement of Prospective Vocational Rehabilitation Services” and Form Filing Instructions.

Article 7.5. Supplemental Job Displacement Benefit

Amended §10133.53	Form DWC-AD 10133.53 “Notice of Offer of Modified or Alternative Work.”
Amended §10133.54	Dispute Resolution.
Amended §10133.55	Form DWC-AD 10133.55 “Request for Dispute Resolution Before the Administrative Director.”
Amended §10133.56	Requirement to Issue Supplemental Job Displacement Nontransferable Training Voucher.
Amended §10133.57	Form DWC-AD 10133.57 “Supplemental Job Displacement Nontransferable Training Voucher Form.”
Amended §10133.58	State Approved or Accredited School.

DOCUMENTS SUPPORTING THE RULEMAKING ADDED TO THE RULEMAKING FILE

- Comments from various interested parties concerning the regulations have been added to the rulemaking file.
- *Improving Dispute Resolution for California’s Injured Workers*, Prepared for California Commission on Health and Safety and Workers’ Compensation by Rand, Institute for Civil

Justice, Santa Monica, California, 2003, chapter 17, “Court Technology,” pp. 593-630 and excerpt from appendices, pp. 693-694.

- Documents regarding serif font:
 - Lynch and Horton, *Web Style Guide*, (Yale University Press, 1999) 87-88.
 - Merriam-Webster's Manual for Writers and Editors*, (Springfield, 1998) p. 329.
 - Edward Tufte, *Envisioning Information*, (Graphics Press, 1999) p. 51.

FORMAT OF PROPOSED MODIFICATIONS

Proposed Text Noticed for 45-Day Comment Period:

Deletions from the regulatory text are indicated by single strike-through, thus: ~~deleted language~~.

The new text is indicated by underlining, thus: underlined language.

Proposed Text Noticed for This 15-Day Comment Period on Modified Text:

Changes to forms for this 15-day comment period: The forms are presented as revised forms without underlining or strike-through. The changes are described in this notice.

Deletions from the regulatory text, as proposed in May 2008, are indicated by double strike-through, thus: ~~~~deleted language~~~~.

Additions to the regulatory text, as proposed in May 2008, are indicated by a double underline, thus: added language.

Changes to Forms for This 15-Day Comment Period:

The forms are presented as revised forms without underlining or strike-through. The changes are described in this notice.

SUMMARY OF PROPOSED CHANGES

Modifications to §10116. Filing and Reporting Requirements.

Subdivision (a)(2) is revised to add “ed” on the word “return,” so that it now states “returned.”

Subdivision (a)(3) is corrected to include citations to proposed sections 10217 and 10228 of title 8 of California Code of Regulations. These sections set forth the filing requirements for EAMS.

Subdivision (a)(4) is revised to include the words “not less than 30 business days after filing” in response to comments requesting that the documents be retained for a period of time after the documents are scanned in case there was a mistake or error.

The authority and reference are revised. Sections 139.48, 4658 and 4658.5 are added to the authorities. Sections 4636, 4637, 4638, and 4645 are removed from the references as they were repealed. An additional case authority (*Vulean Materials Co. v. WCAB* (2006, Writ Denied) 71 Cal. Comp. Cases 1346) is added as it explains that the former vocational rehabilitation statutes still apply to pre January 1, 2004 injuries. “Significant Panel Decision” is added to the citation for the *Godinez* case.

Modifications to §10116.2. Incomplete filings.

Subdivisions (1), (2), and (3) were corrected for clerical error to substitute the numbers with letters. Thus, the sections are now reflected as (a), (b), and (c).

The authority and reference are revised. Sections 139.48, 4658 and 4658.5 are added to the authorities. Sections 4636, 4637, 4638, and 4645 are removed from the reference as they were repealed. An additional case authority (*Vulean Materials Co. v. WCAB* (2006, Writ Denied) 71 Cal. Comp. Cases 1346) is added as it explains that the former vocational rehabilitation statutes still apply to pre January 1, 2004 injuries. “Significant Panel Decision” is added to the citation for the *Godinez* case.

Modifications to §10116.3. Reproduction of Forms, Notices.

To clarify that this regulations only applies to injuries that occurred before January 1, 2004, the phrase “For injuries occurring before January 1, 2004 is added.” The words “forms...by this article and Article 2.6 of Chapter 2, Part 2 of Division 4 of the Labor Code (commencing with section 4635)” are deleted as the Article no longer exists. The words are replaced with “vocational rehabilitation forms.” The “-94” is deleted as the name of the pamphlet was changed.

The authority and reference are revised. Sections 139.48, 4658 and 4658.5 are added to the authorities. Sections 4636, 4637, 4638, and 4645 are removed from the reference as they were repealed. An additional case authority (*Vulean Materials Co. v. WCAB* (2006, Writ Denied) 71 Cal. Comp. Cases 1346) is added as it explains that the former vocational rehabilitation statutes still apply to pre January 1, 2004 injuries. “Significant Panel Decision” is added to the citation for the *Godinez* case.

Modifications to §10116.4. Technical problems and unavailability of EAMS.

The title of this section is changed to add the words “problems and” and corrected for clerical error to insert a period at the end of the title. The title of the section now reads: “§10116.4. Technical problems and unavailability of EAMS.”

The authority and reference are revised. Sections 139.48, 4658 and 4658.5 are added to the authorities. Sections 4636, 4637, 4638, and 4645 are removed from the reference as they were repealed. An additional case authority (*Vulean Materials Co. v. WCAB* (2006, Writ Denied) 71 Cal. Comp. Cases 1346) is added as it explains that the former vocational rehabilitation statutes still apply to pre January 1, 2004 injuries. “Significant Panel Decision” is added to the citation for the *Godinez* case.

Modifications to §10116.5. Retraining and Return to Work File Retention.

Subdivision (b) is amended. The sentence “If a paper case file has been converted to electronic form, the paper case file may be destroyed.” is moved to the end of the subdivision, and the words “no less than 30 business days after the parties have been informed of the conversion” are added to the sentence in response to comments requesting that the documents be retained for a period of time after the conversion in case there was a mistake or error.

Modifications to §10116.6. Misfiled or misdirected documents.

The title of this section is corrected for clerical error to insert a period at the end of the title. The title of the section now reads: “§10116.6. Misfiled or misdirected documents.”

An “(a)” is added to designate **subdivision (a)**.

Subdivision (b) is added to provide the remedies that may be taken if a document is not filed in compliance with proposed sections 10217, 10228 and 10232 of title 8 of the California Code of Regulations. Subdivision (b) states: “If a document is not filed in compliance with sections 10217, 10228 and 10232 of title 8 of the California Code of Regulations and these regulations, the administrative director may in his or her discretion take the actions set forth in section 10222 of title 8 of the California Code of Regulations.”

Modifications to §10117. Definitions for Article 6.5 and 7.5

Subdivision (b) is clarified by the addition of the words “on the appropriate form.”

The authority and references are revised. Sections 139.48, 4658 and 4658.5 are added to the authorities. Sections 4636, 4637, 4638, and 4645 are removed from the references as they were repealed. An additional case authority (*Vulean Materials Co. v. WCAB* (2006, Writ Denied) 71 Cal. Comp. Cases 1346) is added as it explains that the former vocational rehabilitation statutes still apply to pre January 1, 2004 injuries. “Significant Panel Decision” is added to the citation for the *Godinez* case.

Modifications to §10116.8. Definitions for Article 6.5 and 7.5

Subdivision (b) setting forth the definition for “Approved training facility” is corrected for clerical error to conform to the format of other definitions in the same section. The term is set forth in quotations, the letter “t” in “training” and “f” in “facility” are changed to lower case, the period at the end of the word facility is deleted, the word “means” is inserted before the definition, and the letter “A” at the beginning of the definition is changed to lower case “a.”

Subdivision (c) setting forth the definition for “claims administrator” is corrected for clerical error to change the higher case letter “A” in “Administrator” to lower case “a.” The term is reflected as “Claims administrator.”

Subdivision (d) setting forth the definition for “Employer” is corrected for clerical error to conform to the format of other definitions in the same section. The term is set forth in quotations, the period at the end of the word “Employer” is deleted, the word “means” is inserted before the definition, and the higher case letter “T” at the beginning of the definition is changed to lower case “t.”

Subdivision (e) setting forth the definition for “Essential Functions” is corrected for clerical error to conform to the format of other definitions in the same section. The term is set forth in quotations, the letter “F” is changed from higher case to lower case, the period at the end of the word “functions” is deleted, the word “means” is inserted before the definition, and the higher case letter “J” at the beginning of the definition is changed to lower case “j.”

Subdivision (f) setting forth the definition for “Insurer” is corrected for clerical error to conform to the format of other definitions in the same section. The term is set forth in quotations, the period at the end

of the word “Insurer” is deleted, and the higher case letter “H” at the beginning of the definition is changed to lower case “h.”

Subdivision (g) setting forth the definition for “Modified Work” is corrected for clerical error to change the higher case letter “W” in “Work” to lower case “w.” The term is reflected as “Modified work.”

Subdivision (h) setting forth the definition for “Nontransferable Training Voucher” is corrected for clerical error to conform to the format of other definitions in the same section. The term is set forth in quotations, the letters “T” and “V” are changed from higher case to lower case, the period at the end of the word “voucher” is deleted, the word “means” is inserted before the definition, and the higher case letter “A” at the beginning of the definition is changed to lower case “a.”

Subdivision (i) setting forth the definition for “Notice” is corrected for clerical error to conform to the format of other definitions in the same section. The term is set forth in quotations, the period at the end of the word “Notice” is deleted, the word “means” is inserted before the definition, and the higher case letter “A” at the beginning of the definition is changed to lower case “a.”

Subdivision (j) setting forth the definition for “Offer of Modified or Alternative Work” is corrected for clerical error to conform to the format of other definitions in the same section. The term is set forth in quotations, the letters “M,” “A,” and “W” are changed from higher case to lower case, the period at the end of the word “work” is deleted, the word “means” is inserted before the definition, and the higher case letter “A” at the beginning of the definition is changed to lower case “a.”

Subdivision (k) setting forth the definition for “Parties” is corrected for clerical error to conform to the format of other definitions in the same section. The term is set forth in quotations, the period at the end of the word “parties” is deleted, the word “means” is inserted before the definition, and the higher case letter “T” at the beginning of the definition is changed to lower case “t.”

Subdivision (m) setting forth the definition for “Permanent Partial Disability Award” is corrected for clerical error to conform to the format of other definitions in the same section. The term is set forth in quotations, the letters “P,” “D,” and “A” are changed from higher case to lower case, and the period at the end of the word “award” is deleted.

Subdivision (n) setting forth the definition for “Regular Work” is corrected for clerical error to change the higher case letter “W” in “Work” to lower case “w.” The term is reflected as “Regular work.”

Subdivision (o) setting forth the definition for “Seasonal Work” is corrected for clerical error to change the higher case letter “W” in “Work” to lower case “w.” The term is reflected as “Seasonal work.”

Subdivision (p) setting forth the definition for “Supplemental Job Displacement Benefit” is corrected for clerical error to conform to the format of other definitions in the same section. The term is set forth in quotations, the letters “J,” “D,” and “B” are changed from higher case to lower case, the period at the end of the word “benefit” is deleted, the word “means” is inserted before the definition, and the higher case letter “A” at the beginning of the definition is changed to lower case “a.”

Subdivision (q) setting forth the definition for “Vocational & Return to Work Counselor (VRTWC)” is corrected for clerical error to conform to the format of other definitions in the same section. The term is set forth in quotations, the letters “R,” “W,” and “C” are changed from higher case to lower case, the

period at the end of the acronym “VRTWC” is deleted, the word “means” is inserted before the definition, and the higher case letter “A” at the beginning of the definition is changed to lower case “a.”

Subdivision (r) setting forth the definition for “Work Restrictions” is corrected for clerical error to conform to the format of other definitions in the same section. The term is set forth in quotations, the period at the end of the word “restrictions” is deleted, the word “means” is inserted before the definition, and the higher case letter “P” at the beginning of the definition is changed to lower case “p.”

Modifications to §10117. Offer of Work; Adjustment of Permanent Disability Payments

The title of this section is corrected for clerical error to insert a period at the end of the title. The title of the section now reads: “§10117. Offer of Work; Adjustment of Permanent Disability Payments.”

The language previously added to **subdivision (b)(3)** regarding filing and serving the forms is now deleted in response to comments. The deleted language is the following:

“and shall file the forms with the Retraining and Return to Work Unit immediately after serving the form on the employee.

(A) The DWC-AD 10133.53 (Section 10133.53) or form DWC-AD 10118 (Section 10118) filed with the Retraining and Return to Work Unit by the claims administrator shall contain a proof of service on the employee.

(B) The employee, or their representative, within the time specified in the form DWC-AD 10133.53 (Section 10133.53) to offer modified or alternative work or form DWC-AD 10118 (Section 101018) shall file the completed form as paper document under section 10232.”

In **subdivision (e)**, the change of the “B” to “b” in board is noted.

Modifications to §10118. Form [DWC AD 10118 Notice of Offer of Work]

In the text of the regulation the title of this section is corrected for clerical error to insert a period at the end of the title. The title of the section now reads: “§10118. Form [DWC AD 10118 Notice of Offer of Work].”

In the text of the sentence below the title is also corrected for clerical error to insert a period at the end of the sentence. The sentence now reads: “DWC AD 10118 Notice of Offer of Work.”

DWC-AD form 10118—Notice of Offer of Regular Work (For Injuries Occurring on or after 1/1/05) is amended to reflect changes in the registration marks to aid scanning process.

The form is amended to create a text box to replace lines where written text was allowed.

The form is amended for clarification purposes at page 1, lines 7 and 8, to delete the word “worker” in both lines and to substitute in their place the word “employee.”

The form is amended for clerical error at page 1, line 11, to change the higher case letter “Y” to the lower case letter “y” in the word “you” to reflect that this is a continuing sentence, and not a new sentence.

The form is amended for clerical error at page 1, line 14 at the “cumulative trauma injury” line to insert a period at the end of the sentence.

The form is amended for clarification purposes at page 3, line 13, to insert the word “offer.” Thus, instead of the form requesting information on the “Date Received,” the information now requests information on the “Date Offer Received.”

The following text that appeared on pages 3 and 4 is deleted: “**Note:** If either party has a dispute or objection regarding the offer of regular work, or if the employee rejects the offer of regular work, that party may file a Declaration of Readiness with the local district office of the Workers’ Compensation Appeals Board (WCAB).”

The following replaces the “Note” that appeared on page 4: “If a dispute occurs regarding the above offer or agreement, either party may request the Administrative Director to resolve the dispute by filing a Request for Dispute Resolution (Form DWC-AD 10133.55) with the Administrative Director.”

The revision is made in response to comments and to reduce confusion. The form must be sent to the Administrative Director, not the WCAB, as the Administrative Director has jurisdiction over the form and manner of the offers for work. (See Labor Code section 4658(d)(2) and (3).)

Modifications to §10119. Return to Work Program.

The title of this section is corrected for clerical error to insert a period at the end of the title. The title of the section now reads: “§10119. Return to Work Program.”

The previously stricken language in **subdivision (h)** is re-inserted. The language states: “Requests should be sent to the mailing address for the Division of Workers' Compensation Return to Work Program that is listed in the web site of the Division of Workers' Compensation, at: http://www.dir.ca.gov/dwc/dwc_home_page.htm”

Subdivision (k) is revised to state the correct title of the “Petition Appealing Administrative Director’s Reimbursement Allowance” and to reference section 10294 which states how to appeal the decision.

Modifications to §10120. Form [DWC AD 10120 Request for Reimbursement of Accommodation Expenses].

In the text of the regulations the title of this section is corrected for clerical error to insert a period at the end of the title. The title of the section now reads: “§10120. Form [DWC AD 10120 Request for Reimbursement of Accommodation Expenses].”

Form DWC AD 10120—Request for Reimbursement of Accommodation Expense (For Injuries on or after July 1, 2004) is amended to reflect changes in the registration marks to aid scanning process.

Modifications to §10123. Vocational Rehabilitation Reporting Requirements.

Subdivision (a) is revised by the addition of the phrase “For injuries occurring prior to January 1, 2004.” Also, the word “former” is added to modify the words “Labor Code section 4638, as it was repealed.

The reference is revised. Sections 4636, 4637, 4638, and 4645 are removed from the references as they were repealed. An additional case authority (*Vulean Materials Co. v. WCAB* (2006, Writ Denied) 71 Cal. Comp. Cases 1346) is added as it explains that the former vocational rehabilitation statutes still apply to pre January 1, 2004 injuries. “Significant Panel Decision” is added to the citation for the *Godinez* case.

Modifications to §10127. Dispute Resolution.

Subdivision (d) is corrected for clerical error to conform with other parts of the regulations. Subparts (d)(1)(aa), (d)(1)(bb), (d)(1)(cc), (d)(1)(dd), and (d)(1)(ee) are relettered (d)(1)(A), (d)(1)(B), (d)(1)(C), (d)(1)(D), and (d)(1)(E) respectively.

The reference is revised. Sections 4639, 4644, and 4645 are removed from the references as they were repealed. An additional case authority (*Vulean Materials Co. v. WCAB* (2006, Writ Denied) 71 Cal. Comp. Cases 1346) is added as it explains that the former vocational rehabilitation statutes still apply to pre January 1, 2004 injuries. “Significant Panel Decision” is added to the citation for the *Godinez* case.

Modifications to §10127.1. Conferences.

The reference is revised. Sections 4638 and 4639 are removed from the reference as they were repealed. An additional case authority (*Vulean Materials Co. v. WCAB* (2006, Writ Denied) 71 Cal. Comp. Cases 1346) is added as it explains that the former vocational rehabilitation statutes still apply to pre January 1, 2004 injuries. “Significant Panel Decision” is added to the citation for the *Godinez* case.

Modifications to §10128. Request for Order of Rehabilitation Services.

The reference is revised. Section 4639 is removed from the reference as it was repealed. An additional case authority (*Vulean Materials Co. v. WCAB* (2006, Writ Denied) 71 Cal. Comp. Cases 1346) is added as it explains that the former vocational rehabilitation statutes still apply to pre January 1, 2004 injuries. “Significant Panel Decision” is added to the citation for the *Godinez* case.

Modifications to §10133.13. Form RU-102 “Vocational Rehabilitation Plan” and Form Filing Instructions.

In the text of the regulation, the sentence below the title is corrected for clerical error to insert a period at the end of the sentence. The sentence now reads: “Rehabilitation Unit California Division of Workers’ Compensation Form RU-102.”

Form RU-102 is amended to reflect changes in the registration marks to aid scanning process.

The form is amended to create a text box to replace lines where written text was allowed.

The form is amended for clerical error at page 3, last sentence commencing with “Number of,” to substitute a higher case “O” with a lower case “o.” Thus the corrected sentence now states: “Number of Days of Placement Assistance.”

The form is amended for clerical error at page 5, 15th line commencing with “Permanent Disability,” to insert the phrase “to be” and delete the phrase “to date.” Thus the corrected sentence now states: “Permanent Disability Supplement to be paid:”

The form is amended for clerical error at page 6, Section – E, to delete the word “Firm” below the paragraph No. 2.

The form is amended for clerical error at page 8, under “Form Completion,” second sentence, and at the last sentence of the form to substitute the number 12 for the number 10. Thus, the corrected sentences under now states: “Please note: This form must be completed using type no smaller than 12 point.”

The reference is revised. Sections 4635, 4636, and 4638 are removed from the reference as it was repealed. An additional case authority (*Vulean Materials Co. v. WCAB* (2006, Writ Denied) 71 Cal. Comp. Cases 1346) is added as it explains that the former vocational rehabilitation statutes still apply to pre January 1, 2004 injuries. “Significant Panel Decision” is added to the citation for the *Godinez* case.

Modifications to §10133.14. Form RU-103 “Request for Dispute Resolution” and Form Filing Instructions.

In the text of the regulations the sentence below the title is corrected for clerical error to insert a period at the end of the sentence. The sentence now reads: “Rehabilitation Unit California Division of Workers’ Compensation Form RU-103.”

Form RU-103—Request for Dispute Resolution is amended to insert the phrase “RU-103” immediately below the title at the top of the form.

The form is amended to reflect changes in the registration marks to aid scanning process.

The form is amended to create a text box to replace lines where written text was allowed.

The form is amended to delete the language “serve all parties” at the bottom of page 5 and to insert a new paragraph which states: “**Service:** attach a proof of service showing service of the document on all parties.”

The reference is revised. Section 139.5 is added. Section 4638 is removed from the reference as it was repealed. An additional case authority (*Vulean Materials Co. v. WCAB* (2006, Writ Denied) 71 Cal. Comp. Cases 1346) is added as it explains that the former vocational rehabilitation statutes still apply to pre January 1, 2004 injuries. “Significant Panel Decision” is added to the citation for the *Godinez* case.

Modifications to §10133.16. Form RU-105 “Notice of Termination of Vocational Rehabilitation Services” and Form Filing Instructions.

In the text of the regulations, the sentence below the title is corrected for clerical error to insert a period at the end of the sentence. The sentence now reads: “Rehabilitation Unit California Division of Workers’ Compensation Form RU-105.”

Form RU-105—Notice of Termination of Vocational Rehabilitation Services is amended to reflect changes in the registration marks to aid scanning process.

The reference is revised. Section 139.5 is added. Sections 4637 and 4638 are removed from the reference as it was repealed. An additional case authority (*Vulean Materials Co. v. WCAB* (2006, Writ Denied) 71 Cal. Comp. Cases 1346) is added as it explains that the former vocational rehabilitation statutes still apply to pre January 1, 2004 injuries. “Significant Panel Decision” is added to the citation for the *Godinez* case.

Modifications to §10133.22. Form RU-122 “Settlement of Prospective Vocational Rehabilitation Services” and Form Filing Instructions.

In the text of the regulation the sentence below the title is corrected for clerical error to insert a period at the end of the sentence. The sentence now reads: “Rehabilitation Unit California Division of Workers’ Compensation Form RU-122 SETTLEMENT OF PROSPECTIVE VOCATIONAL REHABILITATION SERVICES.”

RU 122—Settlement of Prospective Vocational Rehabilitation Services [LC §466(b)] is amended to reflect changes in the registration marks to aid scanning process.

The form is amended for clerical error at the footer to conform to the remaining forms in the regulatory package, thus “(Voc. Rehab.) §10133.22.” The text “RU122” is deleted as it is reflected on the right side of the footer in the form.

The form is amended for clerical error at page 5, paragraph 5, under “Form Completion” to adjust the margin.

The reference is revised. Section 4646 is removed from the reference as it was repealed. An additional case authority (*Vulean Materials Co. v. WCAB* (2006, Writ Denied) 71 Cal. Comp. Cases 1346) is added as it explains that the former vocational rehabilitation statutes still apply to pre January 1, 2004 injuries. “Significant Panel Decision” is added to the citation for the *Godinez* case.

Modifications to §10133.53. Form DWC-AD 10133.53 “Notice of Offer of Modified or Alternative Work.”

In the text of the regulation the sentence below the title is corrected for clerical error to insert a period at the end of the sentence. The sentence now reads: “Form DWC-AD 10133.53.”

Form DWC-AD 10133.53—Notice of Offer of Modified or Alternative Work is amended to reflect changes in the registration marks to aid scanning process.

The form is amended to create a text box to replace lines where written text was allowed.

The footer is amended for clerical purposes to put a space between the regulation number and the parenthetical information.

The form is amended at page 1, line 4, to insert the text “(Employee name”) immediately below the line to identify the information necessary on that line.

The form is amended for clerical error at page 4, second paragraph, to identify the proper name of the unit as “Retraining and Return to Work.”

Modifications to §10133.54. Dispute Resolution.

Subdivision (g) is revised. The phrase “as set forth in section 10294.5 of title 8 of the California Code of Regulations” is added. Proposed section 10294.5 sets forth the appeal procedure.

Modifications to §10133.55. Form DWC-AD 10133.55 “Request for Dispute Resolution Before the Administrative Director.”

The text in the regulations is amended to correct the sentence below the title for clerical error to insert a period at the end of the sentence. The sentence now reads: “Form DWC-AD 10133.55.”

Form DWC-AD 10133.55—Request for Dispute Resolution Before the Administrative Director is amended to reflect changes in the registration marks to aid scanning process.

The form is amended to create a text box to replace lines where written text was allowed.

The form is amended at page 1, line 5, to add the following language to the box “issued/approved.” Thus the sentence now states: “Has PPD been stipulated, issued/approved.”

Page 3 is amended. The following sentence is deleted in response to comments: “The employer refuses to pay the professionals who rendered services for preparation of a job description or job analysis.” The sentence is deleted because this form is used for issues pertaining to the supplemental job displacement benefit. Preparation of job description or job analysis is not set forth in Labor Codes section 4658.5(b) as a benefit.

Modifications to §10133.56. Requirement to Issue Supplemental Job Displacement Nontransferable Training Voucher.

Subdivision (c) is revised to delete the language that was added as (c)(1) and (2) in response to comments. The deleted language is the following:

“(1) The employer shall file the form DWC-AD 10133.57 with the Retraining and Return to Work Unit simultaneously with serving the employee. The claims administrator may serve the offer of work on behalf of the employer.

(2) After the service of the form on the employee, the employer shall file a completed proof of service with the Retraining and Return to Work Unit.”

Subdivision (d) is revised to delete the language that was previously added: “The employer, or its representative, shall file the completed form DWC-AD 10133.57 with the Retraining and Return to Work Unit pursuant to section 10232.”

Subdivision (g) is revised to state: The voucher shall certify that the school is approved by one of the Regional Associations of Schools and Colleges authorized by the United States Department of Education or has approval from a California State agency that has an agreement with the United States Department of Education or Regional Associations of School and Colleges for the regulation and

oversight of non-degree granting private post secondary providers. The reference to the Bureau for Private Postsecondary (BPPVE) was removed as it is no longer funded.

Modifications to §10133.57. Form DWC-AD 10133.5 “Supplemental Job Displacement Nontransferable Training Voucher Form.”

Form DWC-AD 10133.57—Supplemental Job Displacement Nontransferable Training Voucher Form is amended to reflect changes in the registration marks to aid scanning process.

Modifications to §10133.58. State Approved or Accredited Schools.

Subdivision (b)(2) was added to reflect the same change made to 10133.56 (g). It now states “has approval from a California State agency that has an agreement with the United States Department of Education or Regional Associations of School and Colleges for the regulation and oversight of non-degree granting private post secondary providers.; or”

Subdivision (c) is deleted as it was duplicative of subdivision (b)(1). It stated: “(c) Any training outside of California must be approved by one of the Regional Associations of Schools and Colleges authorized by the United States Department of Education.”