

**STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
OFFICE OF THE DIRECTOR**

**NOTICE OF MODIFICATION TO TEXT OF PROPOSED REGULATIONS
AND REVISION TO INITIAL STATEMENT OF REASONS**

Subject Matter of Regulations: Return to Work Supplement Program

**California Code of Regulations, Title 8, Article 1
Sections 17300-17310**

NOTICE IS HEREBY GIVEN that the Director of Industrial Relations (“Director”), pursuant to rulemaking authority derived from Labor Code sections 54, 55, and 139.48, in order to implement, interpret and make specific sections 139.48 of the Labor Code, proposes to:

- Renumber the proposed regulations from sections 25101 through 25111 to sections 17300 through 17310.
- Modify the text of proposed sections 17301 (formerly 25102), 17302 (formerly 25103), 17303 (formerly 25104), 17307 (formerly 25108), and 17308 (formerly 25109).
- Add Authority and Reference citations to sections 17300 through 17310.

NOTICE IS FURTHER GIVEN that the Director is supplementing the Initial Statement of Reasons regarding each of the proposed sections, as indicated in the accompanying document titled “Revised Initial Statement of Reasons.” A copy of the Revised Initial Statement of Reasons will also be included in the rulemaking file and posted on the Department’s website at:

<https://www.dir.ca.gov/Rulemaking/DIRProposed.html>.

**PRESENTATION OF WRITTEN COMMENTS AND DEADLINE FOR SUBMISSION
OF WRITTEN COMMENTS REGARDING MODIFICATIONS TO TEXT**

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 sent by mail or personal delivery to Tess Gormley, 1515 Clay St., Oakland, CA 94612. Written comments may also be sent to Tess Gormley (1) via electronic mail to LC139.48Comments@dir.ca.gov or (2) via facsimile to (510) 622-3265. To be considered, written comments must be received by the Director **no later than 5:00 p.m. on April 1, 2015.**

AVAILABILITY OF TEXT OF REGULATIONS AND RULEMAKING FILE

Copies of the original text, modified text with modifications clearly indicated, the revised Initial Statement of Reasons and the entire rulemaking file are currently available for inspection and copying at the Director’s office located at 1515 Clay St., Oakland, CA 94612. Please contact the

Director's contact person for this rulemaking, Tess Gormley, at (510) 286-0787 to arrange to inspect the rulemaking file. Rulemaking records may also be accessed through the agency's Internet website at <https://www.dir.ca.gov/Rulemaking/DIRProposed.html>.

FORMAT OF PROPOSED MODIFICATIONS

Proposed Text Noticed for 45-Day Comment Period:

The proposed text consists entirely of new language for proposed new sections 17300 through 17310 (originally numbered 25101 through 25111) and was therefore initially noticed in plain text.

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

The proposed text is indicated by single underlining, thus: added language. Deletions are indicated by strikeout, thus: ~~deleted language~~.

SUMMARY OF PROPOSED TEXT CHANGES

Proposed Section 17300:

- Renumbered from 25101.
- Revised to add Note with Authority and Reference citations.

Proposed Section 17301:

- Renumbered from 25102.
- The definition of "Voucher" in subdivision (b) is revised to read:
 "Voucher" means a "Supplemental Job Displacement Nontransferable Voucher For Injuries Occurring on or After 1/1/13" (Form DWC-AD 10133.32) furnished by a claims administrator to an injured worker pursuant to section 10133.31.
- Revised to add Note with Authority and Reference citations.

Proposed Section 17302:

- Renumbered from 25103.
- Subdivision (a) is revised to insert the word "Voucher."
- Revised to add Note with Authority and Reference citations.

Proposed Section 17303:

- Renumbered from 25104.
- Revised to require that notice be provided via a cover sheet accompanying the Supplemental Job Displacement Voucher to be prepared by the claims administrator until the Administrative Director of the Division of Workers' Compensation amends the Voucher form to include notice language about the Return-to-Work Supplement and to delete the alternative of insertion of the notice on page 6 of form DWC-AD 10133.32.
- Revised to add Note with Authority and Reference citations.

Proposed Section 17304:

- Renumbered from 25105.
- Revised to add Note with Authority and Reference citations.

Proposed Section 17305:

- Renumbered from 25106.
- Revised to add Note with Authority and Reference citations.

Proposed Section 17306:

- Renumbered from 25107.
- Revised to add Note with Authority and Reference citations.

Proposed Section 17307:

- Renumbered from 25108.
- Revised to insert the sentence: “Applications satisfying the requirements of sections 17302, 17304, 17305 and 17306 will be approved” to specify the basis for decision on applications for the Return-to-Work Supplement.
- Revised to add Note with Authority and Reference citations.

Proposed Section 17308:

- Renumbered from 25109.
- Revised to delete the phrases “from time to time,” to eliminate a potentially vague time reference, and “and or based on consideration of the number of anticipated recipients,” to more clearly comply with the grounds for setting the benefit amount for the Return-to-Work Supplement specified by Labor Code section 139.48.
- Revised to add Note with Authority and Reference citations.

Proposed Section 17309:

- Renumbered from 25110.
- Revised to add Note with Authority and Reference citations.

Proposed Section 17310:

- Renumbered from 25111.
- Revised to add Note with Authority and Reference citations.