

ASSEMBLY BILL

No. 1749

Introduced by Assembly Member Hagman

February 14, 2014

An act to amend Section 4658.7 of the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1749, as introduced, Hagman. Workers' compensation: supplemental job displacement benefits.

Existing law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee for injuries sustained in the course of his or her employment. Existing law, for injuries occurring on or after January 1, 2013, provides supplemental job displacement benefits in the form of a nontransferable voucher for specified expenses, including education-related retraining or skill enhancement, for an injured employee who has a permanent partial disability, as specified.

This bill would make technical, nonsubstantive changes to the supplemental job displacement benefit provision.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4658.7 of the Labor Code is amended to
2 read:
3 4658.7. (a) This section shall apply to injuries occurring on
4 or after January 1, 2013.

1 (b) If the injury causes permanent partial disability, the injured
2 employee shall be entitled to a supplemental job displacement
3 benefit as provided in this section unless the employer makes an
4 offer of regular, modified, or alternative work, as defined in Section
5 4658.1, that meets both of the following criteria:

6 (1) The offer is made no later than 60 days after receipt by the
7 claims administrator of the first report received from either the
8 primary treating physician, an agreed medical evaluator, or a
9 qualified medical evaluator, in the form created by the
10 administrative director pursuant to subdivision (h), finding that
11 the disability from all conditions for which compensation is
12 claimed has become permanent and stationary and that the injury
13 has caused permanent partial disability.

14 (A) If the employer or claims administrator has provided the
15 physician with a job description of the employee’s regular work,
16 proposed modified work, or proposed alternative work, the
17 physician shall evaluate and describe in the form whether the work
18 capacities and activity restrictions are compatible with the physical
19 requirements set forth in that job description.

20 (B) The claims administrator shall forward the form to the
21 employer for the purpose of fully informing the employer of work
22 capacities and activity restrictions resulting from the injury that
23 are relevant to potential regular, modified, or alternative work.

24 (2) The offer is for regular work, modified work, or alternative
25 work lasting at least 12 months.

26 (c) The supplemental job displacement benefit shall be offered
27 to the employee within 20 days after the expiration of the time for
28 making an offer of regular, modified, or alternative work pursuant
29 to paragraph (1) of subdivision (b).

30 (d) The supplemental job displacement benefit shall be in the
31 form of a voucher redeemable as provided in this section up to an
32 aggregate of six thousand dollars (\$6,000).

33 (e) The voucher may be applied to any of the following expenses
34 at the choice of the injured employee:

35 (1) Payment for education-related retraining or skill
36 enhancement, or both, at a California public school or with a
37 provider that is certified and on the state’s Eligible Training
38 Provider List—~~(EPTL)~~ (ETPL), as authorized by the federal
39 Workforce Investment Act—~~(P.L.)~~ (Public Law 105-220), including

1 payment of tuition, fees, books, and other expenses required by
2 the school for retraining or skill enhancement.

3 (2) Payment for occupational licensing or professional
4 certification fees, related examination fees, and examination
5 preparation course fees.

6 (3) Payment for the services of licensed placement agencies,
7 vocational or return-to-work counseling, and résumé preparation,
8 all up to a combined limit of 10 percent of the amount of the
9 voucher.

10 (4) Purchase of tools required by a training or educational
11 program in which the employee is enrolled.

12 (5) Purchase of computer equipment, up to one thousand dollars
13 (\$1,000).

14 (6) Up to five hundred dollars (\$500) as a miscellaneous expense
15 reimbursement or advance, payable upon request and without need
16 for itemized documentation or accounting. The employee shall not
17 be entitled to any other voucher payment for transportation, travel
18 expenses, telephone or Internet access, clothing or uniforms, or
19 incidental expenses.

20 (f) The voucher shall expire two years after the date the voucher
21 is furnished to the employee, or five years after the date of injury,
22 whichever is later. The employee shall not be entitled to payment
23 or reimbursement of any expenses that have not been incurred and
24 submitted with appropriate documentation to the employer prior
25 to the expiration date.

26 (g) Settlement or commutation of a claim for the supplemental
27 job displacement benefit shall not be permitted under Chapter 2
28 (commencing with Section 5000) or Chapter 3 (commencing with
29 Section 5100) of Part 3.

30 (h) The administrative director shall adopt regulations for the
31 administration of this section, including, but not limited to, both
32 of the following:

33 (1) The time, manner, and content of notices of rights under this
34 section.

35 (2) The form of a mandatory attachment to a medical report to
36 be forwarded to the employer pursuant to paragraph (1) of
37 subdivision (b) for the purpose of fully informing the employer of
38 work capacities and of activity restrictions resulting from the injury
39 that are relevant to potential regular work, modified work, or
40 alternative work.

- 1 (i) An employer shall not be liable for compensation for injuries
- 2 incurred by the employee while utilizing the voucher.

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