

Assembly Bill No. 438

Passed the Assembly September 10, 2015

Chief Clerk of the Assembly

Passed the Senate September 9, 2015

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2015, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 124 of the Labor Code, relating to state government.

LEGISLATIVE COUNSEL’S DIGEST

AB 438, Chiu. State government: workers’ compensation: compensation.

Existing law establishes a workers’ compensation system, administered by the Administrative Director of Workers’ Compensation, to compensate an employee for injuries sustained in the course of his or her employment. Existing law establishes, in the Department of Industrial Relations, a Division of Workers’ Compensation to administer those provisions. In administering and enforcing those provisions, existing law requires the division to protect the interests of injured workers and requires all forms and notices to be given to employees by the division to be in English and Spanish.

This bill would require the Department of Industrial Relations and the Division of Workers’ Compensation to make specified forms, notices, and fact sheets available in Chinese, Tagalog, Korean, and Vietnamese. The bill would also require the Administrative Director to make recommendations regarding any other documents that should be translated into languages other than English, as specified, and require the department and the division to submit the recommendations and any translated documents to the Legislature, as specified.

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

SECTION 1. Section 124 of the Labor Code is amended to read:

124. (a) In administering and enforcing this division and Division 4 (commencing with Section 3200), the division shall protect the interests of injured workers who are entitled to the timely provision of compensation.

(b) Forms and notices required to be given to employees by the division shall be in English and Spanish.

(c) In addition to the requirement in subdivision (b), no later than January 1, 2018, the department and the division shall make at least the following forms, notices, and materials available in Chinese, Korean, Tagalog, and Vietnamese:

(1) The workers' compensation claim form required pursuant to Section 5401.

(2) The application for the Return-to-Work Supplement Program authorized pursuant to Section 139.48.

(3) Supplemental Job Displacement Non-Transferable Voucher.

(4) Division of Workers' Compensation fact sheets distributed to injured workers, including, but not limited to, those addressing the following topics:

(A) Temporary disability.

(B) Permanent disability.

(C) Qualified medical evaluators.

(D) Uninsured Employers Benefits Trust Fund.

(E) Utilization review.

(F) Basic facts on workers' compensation.

(G) Glossary of terms in workers' compensation.

(d) (1) Commencing January 1, 2018, the Administrative Director shall annually review the forms, notices, and materials that are published and distributed by the division to injured workers and recommend to the division any other documents that should be translated into languages other than English pursuant to subdivisions (b) and (c).

(2) Commencing January 1, 2018, and annually thereafter, the department and the division shall submit the recommendations and any translated documents to the Legislature.

Approved _____, 2015

Governor