

- Policy & Procedure
- Take Note
- Milestones

State of California

DWCNewsline

Division of Workers' Compensation
Carrie Nevans, Administrative Director

1515 Clay Street, 17th floor, Oakland, CA 94612 (510) 286-7100

Internet Web Page: <http://www.dir.ca.gov>

Bulletin No. 30-08

May 20, 2008

DWC answers inquiries regarding valid offers of work requirements and the supplemental job displacement benefit

The Division of Workers' Compensation (DWC) has received inquiries regarding what constitutes a valid offer of work for employees returning to work after a work injury or illness, as well as questions about the supplemental job displacement benefit (SJDB) voucher.

Title 8, California Code of Regulations sections 10001-10005, requires employers with 50 or more employees to serve a notice of offer of regular, modified, or alternative work to an injured employee within 60 days from the date an injured worker becomes permanent and stationary. This requirement only applies to employees injured on or after Jan. 1, 2005.

A valid notice of offer of work is one that meets the following criteria: the job must last at least 12 months, the compensation must be equal to at least 85 percent of the injured worker's pay at the time of injury, the employee must be able to perform the essential functions of the job and the job must be located within a reasonable commuting distance from an employee's residence at the time of injury.

An employer who provides a timely notice of offer of work is entitled to a 15% reduction for each payment of permanent partial disability from the date the offer was served on the employee, regardless of whether the employee accepts or rejects the offer. However, if an employer fails to serve a valid notice of an offer of work within the 60 day period, or if the offer fails to comply with any of the requirements stated above, an employer must increase each payment of permanent partial disability by 15% beginning from the date of the end of the 60 day period (Title 8, CCR section 10002(b)).

An offer of regular work should be made in writing by the employer or claims administrator to an employee on the notice of offer of regular work form DWC-AD 10003 (section 10003). An offer of modified or alternative work should be made on form DWC-AD 10133.53 (Section 10133.53).

Employees who were injured on or after Jan. 1, 2004 and who also have an award of permanent disability, may qualify for the supplemental job displacement voucher (SJDB) if the employer does not have work to offer or has not provided a valid notice of offer of work.

The non-transferable SJDB voucher can be used to pay for educational training and skill enhancement at state-accredited or state-approved schools. The amount of the voucher is based on the injured worker's permanent disability award and ranges between \$4,000 and \$10,000.

It is important to note that if an employer provides an employee with a valid written offer of work—and the employee rejects the offer—the employee is not eligible for SJDB. Conversely, if an employee accepts an offer that does not meet the criteria as set forth in Labor Code section 4658.6, the employee may still be entitled to the SJDB voucher.

For more information on SJDB and the notice of offer of regular, modified, or alternative work requirements, please go to the DWC's Retraining and Return to Work Web page at <http://www.dir.ca.gov/dwc/rehab.html>. Questions can also be emailed to the Retraining and Return to Work mailbox at DWCReturntoWork@dir.ca.gov.

###