

**ASSEMBLY BILL**

**No. 948**

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**Introduced by Assembly Member Logue**

February 26, 2009

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An act to amend Section 4658.5 of the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 948, as introduced, Logue. 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, 2004, provides supplemental job displacement benefits in the form of a nontransferable voucher for education-related retraining or skill enhancement for an injured employee who does not return to work for the employer within 60 days of the termination of temporary disability, in accordance with a prescribed schedule based on the percentage of an injured employee's disability. Existing law provides an exception for employers who meet specified criteria.

Existing law requires the employer, within 10 days of the last payment of temporary disability, to provide to the employee, in the form and manner prescribed by the administrative director, information that provides notice of the employee's right to supplemental job displacement benefits under the above provisions.

This bill would provide that if the employee's work restrictions are not yet known within 10 days of the last payment of temporary disability, the employer is not required to send the notice regarding the

employee’s supplemental job displacement benefits until after the employee’s work restrictions are known.

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 4658.5 of the Labor Code is amended to  
2 read:

3 4658.5. (a) Except as provided in Section 4658.6, if the injury  
4 causes permanent partial disability and the injured employee does  
5 not return to work for the employer within 60 days of the  
6 termination of temporary disability, the injured employee shall be  
7 eligible for a supplemental job displacement benefit in the form  
8 of a nontransferable voucher for education-related retraining or  
9 skill enhancement, or both, at state-approved or accredited schools,  
10 as follows:

11 (1) Up to four thousand dollars (\$4,000) for permanent partial  
12 disability awards of less than 15 percent.

13 (2) Up to six thousand dollars (\$6,000) for permanent partial  
14 disability awards between 15 and 25 percent.

15 (3) Up to eight thousand dollars (\$8,000) for permanent partial  
16 disability awards between 26 and 49 percent.

17 (4) Up to ten thousand dollars (\$10,000) for permanent partial  
18 disability awards between 50 and 99 percent.

19 (b) The voucher may be used for payment of tuition, fees, books,  
20 and other expenses required by the school for retraining or skill  
21 enhancement. No more than 10 percent of the voucher moneys  
22 may be used for vocational or return-to-work counseling. The  
23 administrative director shall adopt regulations governing the form  
24 of payment, direct reimbursement to the injured employee upon  
25 presentation to the employer of appropriate documentation and  
26 receipts, and other matters necessary to the proper administration  
27 of the supplemental job displacement benefit.

28 (c) Within 10 days of the last payment of temporary disability,  
29 *or if the employee’s work restrictions are not known at that time,*  
30 *after the employee’s work restrictions are known,* the employer  
31 shall provide to the employee, in the form and manner prescribed  
32 by the administrative director, information that provides notice of  
33 rights under this section. This notice shall be sent by certified mail.

1 (d) This section shall apply to injuries occurring on or after  
2 January 1, 2004.

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