



Bradford & Barthel, LLP

Supplemental Job Displacement Benefits (SJDB)

Eligibility Requirements:

Employees injured between Jan. 1, 2004 and Dec. 31, 2012:

- IW's with PPD who do not RTW for the ER within 60 days of the termination of TD, unless the ER offers and IW rejects, or fails to accept, modified work, lasting at least 12 months.
- Voucher can be used to pay for education-related retraining or skill enhancement, tuition, fees, books and expenses.
- No more than 10% of the value of the voucher can be used for voc & RTW counseling.
- Voucher amount varies from \$4,000 to \$10,000, depending on the level of PD.

Employees injured on or after Jan. 1, 2013:

- Injuries with PPD where ER does not offer other regular, modified or alternative work.
- Offer must be made within 60 days after receipt by Claims of the Physician's Return-to-Work & Voucher Report (Form DWC-AD 10133.36).
- Voucher amount is \$6000 for all levels of PPD and can be used for training at a CA public school or any other provider listed on the state's eligible training provider list. It can also be used to pay licensing, certification, testing fees, or to purchase tools.
- To purchase computer equipment up to \$1,000 and to reimburse up to \$500 in misc. expenses.
- Up to 10% or \$600 may be used to pay for the services of a licensed placement agency or voc counselor.

When is the voucher available?

Injuries occurring between Jan. 1, 2004 and Dec. 31, 2012:

- Voucher is offered to an IW when the PPD level has been determined, agreed upon or awarded.
- Provided within 25 calendar days from the issuance of the PPD award by a WCAB Judge.

Injuries on or after Jan. 1, 2013:

- Voucher is due within 20 calendar days from the expiration of time for making an offer of regular, modified, or alternative work.
- Job must pay no less than 85% of the IW's earnings at the time of the injury.
- Must be expected to last at least 12 months.

Injured Worker is Offered Mod/ Alt job and does not accept it.



For injuries occurring between Jan. 1, 2004 and Dec. 31, 2012:

- If Claims sends a Notice of Offer of Modified or Alternative Work within 30 days of the last TD payment and the offer meets certain requirements, the IW is not eligible for the voucher.
- The Offer of Modified or Alternative work must meet the following conditions:
 - ✓ Must have the ability to perform the essential functions of the job
 - ✓ Job is a regular position lasting at least 12 months
 - ✓ Job offers wages and compensation that are at least 85% of those paid at the time of injury
 - ✓ Job is located within reasonable commuting distance of IW's residence at the time of injury.

For injuries on or after Jan. 1, 2013:

- If the ER/Claims make an offer of regular, modified, or alternative work within 60 days after receipt of the Physician's Return-to-Work & Voucher Report and the offer meets certain requirements and the IW does not accept the job, they are not eligible for the voucher.
- The offer of modified or alternative work must meet the following conditions:
 - ✓ IW must have the ability to perform the essential functions of the job.
 - ✓ Job is a regular position lasting at least 12 months.
 - ✓ Job offers wages and compensation that are at least 85% of those paid at the time of the injury.
 - ✓ Job is located within reasonable commuting distance of the IW's residence at the time of injury.
 - ✓ Job offers are not filed with DWC.

How the Voucher Works and Amounts:

For injuries occurring between Jan. 1, 2004 and Dec. 31, 2012:

- Claims sends the voucher on form 10133.57, completes lines 1-8.
- IW completes lines 9 – 19 if they are not utilizing a voc RTW counselor.
- Lines 9 - 12 must be completed when using a VRTWC that is listed on the DWC website. The training provider selected should assist the IW in completing lines 13 – 19.
- Voucher must be signed, dated and receipts attached before sending back to Claims.
- Payment to the IW or Voc Counselor must be made within 45 calendar days from the date Claims receives the voucher.

For injuries on or after Jan 1, 2013:

- Claims will send the voucher on form 10133.32, completing the information on the first page.
- If the IW is utilizing the services of a VRTWC, they will complete the second page and return it to Claims.



- IW may request an advance and/or reimbursement on miscellaneous expenses up to \$500 by completing the third page and returning it to Claims.
- IW may request reimbursement for computer equipment, tuition, fees, books, and/or tools by returning page four to Claims along with receipts and documentation.
- Payment must be made within 45 calendar days from the date Claims receives the voucher.
- For injuries on or after Jan. 1, 2013 and have received a SJDB Voucher, may be eligible for a one-time RTW Supplement of \$5000 if application is received within one year from the date the SJDB was mailed.
- All vouchers must be accompanied by a cover sheet prepared by Claims containing notice of the Return to Work Supplement Program (RTWSP)

The voucher amount and how it is determined

For injuries occurring between Jan. 1, 2004 and Dec. 31, 2012, the amount of the voucher depends on the level of the disability award:

- Up to \$4,000 voucher for PPD of less than 15%
- Up to \$6,000 voucher for PPD between 15 and 25 %
- Up to \$8,000 voucher for PPD between 26 and 49%
- Up to \$10,000 voucher for PPD between 50 and 99%

For injuries occurring on or after Jan 1, 2013, the amount of the voucher is \$6000.

Voucher timeframes and payments due:

For injuries occurring between Jan. 1, 2004 and Dec. 31, 2012:

- IW is eligible for the voucher and has not settled eligibility (as part of an overall settlement in the case). Will receive the voucher from Claims within 25 calendar days from the date the disability award is issued by the WCAB Judge.
- The Voucher does not expire if issued before Jan. 1, 2013.

For injuries occurring on or after Jan. 1, 2013

- Voucher is due 20 calendar days from expiration of time for making an Offer of Work and within 60 days after receipt of form DWC-AD 10133.32.
- Claims must issue reimbursement payments to the IW/ VRTWC within 45 calendar days from receipt of the completed voucher, receipts and documentation.
- If issued on or after Jan. 1, 2013, the voucher will expire within two years of being issued or five years from the DOI, whichever comes later.

Can the Voucher be used out of state?

For injuries occurring between Jan. 1, 2004 and Dec. 31, 2012:



- The Voucher can be used to pay an out of state private provider of education-related retraining or skill enhancement. The provider must be approved by the governing state agency similarly to the way CA providers are approved.

For injuries occurring on or after Jan. 1, 2013:

- Education-related retraining or skill enhancement must be with a California public school or with a provider that is certified and on the state's Eligible Training Provider List.

What if the Claims Administrator or the Injured Worker disagrees with the SJDB Voucher

You have the following options to resolve the dispute:

1. If the IW is represented by counsel, they must contact their attorney for more information.
2. If the IW is not represented by an attorney:
 - a. and there if is a case at the WCAB, a DOR must be filed to request a conference before a WCJ
 - b. and there is not a case at the WCAB, there must be an application for adjudication of a claim filed. Once the case number is assigned, a DOR must be filed to request a conference before a WCJ.

What happens if tuition was paid prior to enrolling and the school files for bankruptcy and/or closes?

- IW who is faced with a school closure is to retain credits earned, continue their course of studies and obtain their certificate or degree by requesting a transfer to another school.
- If transfer is not possible the IW may consider other options, including requesting a refund of tuition, discharge of their student loans, or other compensation.



Supplemental Job Displacement Forms https://www.dir.ca.gov/dwc/SJDB.html	Number
Description Of Employee's Job Duties	DWC – AD 10133.33
Notice Of Offer Of Modified Or Alternative Work * Injuries occurring between 1/1/04 - 12/31/12	DWC – AD 10133.53
Notice of Offer Of Regular Modified Or Alternative Work * Injuries occurring on or after 1/1/13	DWC – AD 10133.35
Notice of Offer of Regular Work * Injuries occurring between 1/1/05 - 12/31/12, Inclusive	DWC – AD 10118
Physician's Return-to-Work & Voucher Report	DWC – AD 10133.36
Request for Dispute Resolution Before Administrative Director <u>Instructions</u> - <u>Instrucciones</u>	DWC – AD 10133.55
Supplemental Job Displacement Non-Transferable Voucher * Injuries occurring on or after 1/1/13 <ul style="list-style-type: none"> • Spanish - Chinese - Korean - Tagalog - Vietnamese 	DWC – AD 10133.32
Supplemental Job Displacement Nontransferable Training Voucher * Injuries occurring between 1/1/04 - 12/31/12 <ul style="list-style-type: none"> • <u>Spanish</u> 	DWC – AD 10133.57



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