



BULLETIN

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California's revised workers' compensation benefit notice regulations take effect in less than a month, so claims administrators are assembling their claims kits and updating their systems so the new notices will be available for use beginning January 1. The following is an update on the notice materials that are now available.

► **Benefit Notice Letters:** On October 30, DWC posted its revised benefit notice manual with sample notices on its website, but only in English. The Division has now had the sample letters translated into Spanish, and yesterday posted them at www.dir.ca.gov/dwc/dwcrep.htm. These notices must be sent to injured workers at various points in the life of a claim, so claims administrators may program them into their systems, but should not use them until January 1. Claims administrators may develop their own versions of these notices by adapting the language in the sample letters as long as they meet the regulatory requirements, though the DWC has noted that the "safe harbor" provision of CCR §9810(f) provides that the sample notices on its website are presumed to be adequate notice to the employee and, *unless modified*, shall not be subject to audit penalties. For details, see Newsline 2015-100 at www.dir.ca.gov/dwc/dwc_newsline.html.

► **DWC-1 Claim Form and Notice of Potential Eligibility (NOPE):** The new claim form is imbedded in the regulations and there is no provision in the law allowing regulations to take effect prior to the January 1 effective date, so the state has not yet posted the revised claim form/NOPE in the Forms section of its web site, though a digital version is in the Approved Regulations section at www.dir.ca.gov/dwc/rulemaking/dwc_rulemaking_approved.html. Pre-printed hard copies (consisting of a new 3-page NOPE attached as a cover sheet to the 4 required copies of the DWC-1) can be ordered from the Forms and Publications section of CWCI's website at www.cwci.org/store and are available for immediate shipment.

► **DWC-7 Posting Notice:** As with the DWC-1, a revised version of the DWC-7 posting notice was imbedded in the benefit notice regulations, so DWC has not yet posted the updated version in the Forms section of its website, but the final copy adopted in August is in the Approved Regulations section www.dir.ca.gov/dwc/rulemaking/dwc_rulemaking_approved.html. Again, because the DWC-7 is in the regulation, the revised version should not be used until January 1. CWCI updated its version of the posting notice and received the AD's approval in September, and hard copies of this notice are in stock and can be ordered from the Institute's online store.

► **New Hire Pamphlet:** The regulation governing the new hire pamphlet (CCR §9880) was not included in the benefit notice revisions adopted in August, so the Division has not updated its July 2014 version of the time of hire pamphlet. Because LC §3551 says that the new hire pamphlet shall include "written notice of the information contained in LC §3550," which outlines the content of the posting notice, CWCI has updated its new hire pamphlet "Facts About Workers' Compensation" to incorporate additional details that were added to the posting notice. The revised pamphlet was approved by the Administrative Director in September, and English and Spanish versions are available in sets of 100 from the Institute's online store. Similar information was added to CWCI's non-mandatory injured worker pamphlet, "Facts for Injured Workers," and updated versions of that pamphlet are also available in sets of 100 from the Institute's online store.

► **SJDB Voucher:** On December 1, DWC issued a Newsline advising that it had revised the Supplemental Job Displacement Benefit (SJDB) voucher form, adding language to notify injured workers about DIR's \$120 million a year Return to Work Supplement Program. The new 6-page SJDB form (**DWC - AD 10133.32**) is posted in the Forms section of the DWC web site www.dir.ca.gov/dwc/forms.html under Supplemental Job Displacement Benefit – Injuries On or After 1/1/13. The DWC Newsline noted that **the new SJDB voucher form is now in effect**, so claims administrators should be using it instead of attaching a cover sheet containing the old SJDB notice to the vouchers when they are issued to injured workers. For reference, see Newsline 2015-110 at www.dir.ca.gov/dwc/dwc_newsline.html.

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