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DWCNewsline

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Division of Workers' Compensation reminds community about sunset of the vocational rehabilitation program

The Division of Workers' Compensation (DWC) is reminding the workers' compensation community that the vocational rehabilitation program established under Labor Code section 139.5 will sunset on Jan. 1, 2009. Because the program will no longer be authorized, injured workers will not be entitled to vocational rehabilitation benefits or services after the program's sunset date. Any eligible injured employee who is interested in pursuing vocational rehabilitation benefits and services is encouraged to do so before the end of calendar year 2008.

The DWC has received a number of questions regarding whether its Rehabilitation Unit will oversee the conclusion of vocational rehabilitation cases and issues beyond the sunset date of Jan. 1, 2009. The DWC has informed the community at various times over the past year that the Rehabilitation Unit does not have statutory authority to order vocational rehabilitation services or benefits for an injured employee beyond Jan. 1, 2009.

While it is conceivable that a claims administrator could agree to provide vocational rehabilitation services and benefits beyond the program's sunset date, the Rehabilitation Unit will not issue determinations directing them to do so. Vocational rehabilitation issues which have been appealed prior to Jan. 1, 2009 can be brought before the Workers' Compensation Appeals Board (WCAB).

As of Jan. 1, 2009 the Rehabilitation Unit staff will be transitioned into the Retraining and Return to Work (RRTW) Unit. This unit will work with employees injured on or after Jan. 1, 2004 who may be entitled to supplemental job displacement benefits (SJDB). They will also educate employers on the benefits of early and effective return to work, and will specifically assist small employers in seeking reimbursement for temporary and permanent modifications made to worksites to bring injured workers back to the job.

More information on the RRTW Unit can be found at <http://www.dir.ca.gov/DWC/rehab.html>.

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