

## Title 2. Department of Human Resources Notice of Proposed Rulemaking

Notice Published April 5, 2013

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The California Department of Human Resources (CalHR) proposes to adopt the Industrial Disability Leave (IDL) regulations described below after considering all comments, objections and recommendations regarding the proposed action.

### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed IDL regulatory action to CalHR. CalHR will only consider written comments received by **5:00 pm on June 3, 2013**. You may submit your comments by facsimile to: (916) 322-3769, by e-mail to: [tracy.caldwell@calhr.ca.gov](mailto:tracy.caldwell@calhr.ca.gov), or by mail to:

California Department of Human Resources

Tracy Caldwell, Workers' Compensation Program

1515 S Street, North Tower, Suite 400, Sacramento, CA 95811

### PUBLIC HEARING

CalHR will hold a public hearing from 10:00 am to 12:00 noon on Monday, June 3, 2013 in the first floor auditorium of the State of California Resources Building, 1416 9<sup>th</sup> Street, Sacramento, California, 95814.

At this hearing any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. CalHR requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony.

### AUTHORITY AND REFERENCE

Government Code section 19815.4, 19816, and 19877 gives CalHR the authority to adopt these regulations. The proposed regulations implement, interpret and make specific sections 19870 through 19876 of the Government Code.

### INFORMATION DIGEST/POLICY STATEMENT OVERVIEW

This rulemaking action would eliminate outdated language, clarify the employee's right to supplement their IDL benefit with available leave credits, explain how time lost on the date of

injury should be compensated and explain how to pay and track IDL when employees transfer between agencies.

The only significant change to the existing regulations is from tracking dates of disability to hours of time lost from work. Government Code 19871 provides for up to 52 weeks IDL benefits to be used within two years from the first time lost. CalHR proposes to change the tracking method from the current 365 calendar days to 2080 work hours (for full time employees and prorated for employees who do not work full time).

The broad objective of the regulations is to provide direction to state agencies regarding IDL. The specific benefit anticipated from the regulations is to simplify the complex process of paying and tracking IDL and to ensure uniformity among state agencies for all eligible state workers.

CalHR has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After thorough review of any regulations that would relate to or offset the processing of IDL, CalHR has concluded that these are the only regulations that concern IDL.

## DISCLOSURES REGARDING THE PROPOSED ACTION

CalHR has made the following initial determinations:

Mandate of local agencies and school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or businesses: None.

Significant effect on housing costs: None.

## RESULTS OF THE ECONOMIC IMPACT ANALYSIS

CalHR concludes that the adoption of these regulations will affect the IDL benefit for eligible state employees only and will not:

1. Create or eliminate any jobs within California;
2. Create new businesses or eliminate existing businesses within California;
3. Affect the expansion of businesses currently doing business within California; or
4. Affect small business in California.

Benefits of the proposed action:

1. Simplify how state agencies pay and track IDL for their eligible state employees;
2. Promote consistency among state agencies on the on the paying and tracking of IDL;  
and
3. Eliminate outdated language.

## CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), CalHR must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which this action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

California Department of Human Resources invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

## CONTACT PERSONS

Tracy Caldwell, Workers' Compensation Program

1515 S Street, North Tower, Suite 400, Sacramento, California, 95811

(916) 445-9760 or [tracy.caldwell@calhr.ca.gov](mailto:tracy.caldwell@calhr.ca.gov)

or

Keith Mentzer, Workers' Compensation Program

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(916) 445-9792 or [keith.mentzer@calhr.ca.gov](mailto:keith.mentzer@calhr.ca.gov)

## AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

CalHR will have the entire rulemaking file available for inspection and printing throughout the rulemaking process at its office at the above address and on its website at:

<http://www.calhr.ca.gov/Pages/public-notice.aspx>

As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons.

## AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, CalHR may adopt the proposed regulations substantially as described in this notice. If CalHR makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with changes clearly indicated) available to the public and will accept written comments for at least 15 days before CalHR adopts the regulations as revised. Please send requests for modified regulations to the attention of Tracy Caldwell at the address indicated above.

## AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon completion, copies of the Final Statement of Reasons may be obtained by contacting Tracy Caldwell at the above address.