

50-69.75	7
70-99.75	8

The number of weeks for which payments shall be allowed set forth in column 2 above based upon the percentage of permanent disability set forth in column 1 above shall be cumulative, and the number of benefit weeks shall increase with the severity of the disability. The following schedule is illustrative of the computation of the number of benefit weeks:

Column 1-- Percentage of permanent disability incurred:	Column 2-- Cumulative number of benefit weeks:
5	15.00
10	30.25
15	50.25
20	70.50
25	95.50
30	120.75
35	150.75
40	180.75
45	210.75
50	241.00
55	276.00
60	311.00
65	346.00
70	381.25
75	421.25
80	461.25
85	501.25
90	541.25
95	581.25
100	for life

(2) Two-thirds of the average weekly earnings for four weeks for each 1 percent of disability, where, for the purposes of this subdivision, the average weekly earnings shall be taken at not more than seventy-eight dollars and seventy-five cents (\$78.75).

(b) This subdivision shall apply to injuries occurring on or after January 1, 1992. If the injury causes permanent disability, the percentage of disability to total disability shall be determined, and the disability payment computed and allowed, according to paragraph (1). However, in no event shall the disability payment allowed be less than the disability payment computed according to paragraph (2).

(1)

Column 1--Range of percentage of permanent disability incurred:	Column 2--Number of weeks for which two-thirds of average weekly earnings allowed for each 1 percent of permanent disability within percentage range:
Under 10	3
10-19.75	4
20-24.75	5
25-29.75	6

30-49.75	7
50-69.75	8
70-99.75	9

The numbers set forth in column 2 above are based upon the percentage of permanent disability set forth in column 1 above and shall be cumulative, and shall increase with the severity of the disability in the manner illustrated in subdivision (a).

(2) Two-thirds of the average weekly earnings for four weeks for each 1 percent of disability, where, for the purposes of this subdivision, the average weekly earnings shall be taken at not more than seventy-eight dollars and seventy-five cents (\$78.75).

(c) This subdivision shall apply to injuries occurring on or after January 1, 2004. If the injury causes permanent disability, the percentage of disability to total disability shall be determined, and the disability payment computed and allowed as follows:

Column 1--Range of percentage of permanent disability incurred:	Column 2--Number of weeks for which two-thirds of average weekly earnings allowed for each 1 percent of permanent disability within percentage range:
Under 10	4
10-19.75	5
20-24.75	5
25-29.75	6
30-49.75	7
50-69.75	8
70-99.75	9

The numbers set forth in column 2 above are based upon the percentage of permanent disability set forth in column 1 above and shall be cumulative, and shall increase with the severity of the disability in the manner illustrated in subdivision (a).

(d) This subdivision shall apply to injuries occurring on or after January 1, 2005. If the injury causes permanent disability, the percentage of disability to total disability shall be determined, and the disability payment computed and allowed as follows:

Column 1--Range of percentage of permanent disability incurred:	Column 2--Number of weeks for which two-thirds of average weekly earnings allowed for each 1 percent of permanent disability within percentage range:
Under 10	4
10-19.75	5
20-24.75	5
25-29.75	6
30-49.75	7
50-69.75	8
70-99.75	14

The numbers set forth in column 2 above are based upon the percentage of permanent disability set forth in column 1 above and shall be cumulative, and shall increase with the severity of the disability in the manner illustrated in subdivision (a).

SEC. 42. Section 4658.6 of the Labor Code is amended to read:

4658.6. The employer shall not be liable for the supplemental job displacement benefit if the employer meets either of the following conditions:

(a) Within 30 days of the termination of temporary disability indemnity payments, the employer offers, and the employee, *within 30 days from the date of the offer*, rejects, or fails to accept in the form and manner prescribed by the administrative director, modified work, accommodating the employee's work restrictions, lasting at least 12 months.

(b) Within 30 days of the termination of temporary disability indemnity payments, the employer offers, and the employee, *within 30 days from the date of the offer*, rejects, or fails to accept in the form and manner prescribed by the administrative director, alternative work meeting all of the following conditions:

(1) The employee has the ability to perform the essential functions of the job provided.

(2) The job provided is in a regular position lasting at least 12 months.

(3) The job provided offers wages and compensation that are within 15 percent of those paid to the employee at the time of injury.

(4) The job is located within reasonable commuting distance of the employee's residence at the time of injury.

SEC. 43. Section 4660 of the Labor Code is amended to read:

4660. (a) In determining the percentages of permanent disability, account shall be taken of the nature of the physical injury or disfigurement, *established by a preponderance of medical evidence based upon objective findings, as defined in paragraph (2) of subdivision (j) of Section 139.2*, the occupation of the injured employee, and his or her age at the time of ~~such~~ the injury, consideration being given to the ~~diminished ability of such injured employee to compete in an open labor market~~ employee's adaptability to perform a given job, provided however:

(1) *The nature of the physical injury or disfigurement shall be the sole factor to be considered in determining percentages of permanent disability if any of the following circumstances exist:*

(A) *The employee returns to regular work at the job held at the time of injury.*

(B) *The treating physician releases the injured employee to regular work at the job held at the time of injury and the job is available but the worker refuses to return to that job.*

(C) *The treating physician releases the injured employee to regular work at the job held at the time of injury but the worker's employment is terminated for cause unrelated to the injury.*

(2) *The nature of the physical injury or disfigurement, the occupation of the injured employee, and his or her age at the time of the injury shall be the sole factors to be considered in determining percentages of permanent disability if any of the following circumstances exist:*

(A) *The employee returns to modified or alternative work with the same employer that provides wages and compensation that are not less than 85 percent of those paid to the employee at the time of injury and, if the job is not at the same physical location as the job held at the time of injury, the job is located within reasonable commuting distance of the employee's residence at the time of injury.*

(B) *The treating physician releases the injured employee to regular work at the job offered pursuant to this subdivision and the job is available but the worker refuses to return to that job.*

(C) *The treating physician releases the injured employee to regular work at the job offered pursuant to this subdivision but the worker's employment is terminated for cause unrelated to the injury.*

(b) (1) The administrative director ~~may~~ shall prepare, adopt, and from time to time amend, a schedule for the determination of the percentage of permanent disabilities in accordance with this section. ~~Such~~ The schedule shall be available for public inspection, and , without formal introduction in evidence shall be prima facie evidence of the percentage of permanent disability to be attributed to each injury covered by the schedule.

~~—(c) Any such schedule and any amendment thereto or revision thereof shall apply prospectively and shall apply to and govern only those permanent disabilities which result from compensable injuries received or occurring on and after the effective date of the adoption of such schedule, amendment or revision, as the fact may be.~~

~~—(d) On or before January 1, 1995, the administrative director shall review and revise the schedule for the determination of the percentage of permanent disabilities. The revision shall include, but not be limited to, an updating of the standard disability ratings and occupations to reflect the current labor market. However, no change in standard disability ratings shall be adopted without the approval of the Commission of Health and Safety and Workers' Compensation. A proposed revision shall be submitted to the commission on or before July 1, 1994. The schedule shall promote uniformity of ratings for substantially similar disabilities throughout the state, and for injuries not subject to subsection (1) and subsection (2) of subdivision (a) shall set forth a methodology for determining the percentage of permanent disability that gives appropriate weight to each of the factors of disability set forth in subdivision (a). The schedule shall be promulgated and administered to reflect the effects of physical injury or disfigurement on the individual worker in combination with the injured worker's adaptability to perform a given job. The schedule shall not allow for the determination of the percentage of permanent disability to be determined solely upon the assessment of the adaptability of the worker to perform a given job. The administrative director shall adopt, as an emergency regulation, changes to the schedule to reflect medical conditions or occupational classifications that were not in effect at the time of the promulgation of the schedule within 30 days after actual notice that a compensable injury or an occupation at the time of injury was not set forth in the schedule at the time the injury took place. In developing the schedule, the administrative director may utilize for reference nationally recognized guidelines for impairment.~~

(2) *The adoption, amendment, repeal, or readoption of the regulations that the administrative director is authorized pursuant to paragraph (1) to adopt as emergency regulations are deemed to be necessary for the immediate preservation of the public peace, health and safety, or general welfare, for purposes of Sections 11346.1 and 11349.6 of the Government Code, and the administrative director is hereby exempted from the requirement*