

SELF ASSESSMENT TEST

1. California Code of Regulations, Title 8 §9882(b) requires an employer to provide an injured workers with specific notices, including written information concerning the time limits for filing a claim. Failure to provide adequate notice will toll the one year statute of limitations?

True False

2. An employee's psychological reaction to legitimate, good faith personnel actions by the employer is compensable under the Longshore and Harbor Workers Act?

True False

3. The hirer of an independent contractor is not liable to the contractor's employee merely because the hirer retained control over safety conditions on the worksite, but is liable to the employee if its exercise of retained control affirmatively contributed to the employee's injuries?

True False

4. Under the "peculiar risk doctrine," a person who hires an independent contractor to perform inherently dangerous work can be held liable for injuries to others caused by the contractor's negligent performance of the work?

True False

5. A nondelegable duty is a definite affirmative duty the law imposes on one by reason of his or her relationship with others. One cannot escape this duty by entrusting it to an independent contractor. A nondelegable duty may arise when a statute or regulation requires specific safeguards or precautions to ensure others' safety?

True False

6. A nondelegable duty operates, not as a substitute for liability based on negligence, but to assure that when a negligently caused harm occurs, the injured party will be compensated by the person whose activity caused the harm and who may therefore properly be held liable for the negligence of his agent, whether his agent was an employee or an independent contractor. The characterization of a duty as nondelegable is thus a shorthand way of saying that the responsible party cannot escape liability altogether by delegating this duty to someone else?

True False

7. Homeowners who hire contractors to perform a remodel of their house are required to comply with the California Occupational Safety and Health Act. OSHA regulations?

True False

8. The prior finding that an earlier injury had not become permanent and stationary before the second injury and the further finding that Labor Code §4750 was not applicable constitutes a final order precluding application of the new apportionment provisions of Labor Code §§4663 and 4664, if otherwise applicable under Senate Bill 899?

True False

9. When the parties stipulated that the employer had a duty to send out the temporary disability terminating letter arose in 2004 (because the injured worker was off work in 2004 due to an industrial injury and returned to work in 2004), the requirements under Labor Code §4660(d) were met and the old rating schedule applied?

True False

10. The date of injury in cases of occupational diseases or cumulative injuries is that date on which the employee first suffered disability and either knew, or in the exercise of reasonable diligence should have known, that convergence of compensable temporary disability or permanent disability, and the employee's knowledge or when he or she should have known that the disability was work-related?

True False

11. The liability for occupational disease or cumulative injury shall be limited to those employers who employed the employee during a period of one year immediately preceding either the date of injury, as determined pursuant to Labor Code §5412, or the last day on which the employee was employed in an occupation exposing him or her to the hazards of the occupational disease or cumulative injury whichever occurs first?

True False

12. Appeals Board findings on factual questions are conclusive if supported by substantial evidence and will not be disturbed on appeal?

True False

13. A worker acts in the course of employment while off the employer's premises if engaged in an activity that is expressly or implied authorized by the employer?

True False

14. An Injury occurring during the course of an unauthorized departure is compensable?

True False

15. In a case based on discrimination under Labor Code §132a, the injured worker has the burden of proving the detrimental conduct of the employer was related to an industrial injury?

True False

16. In a case based on discrimination under Labor Code §132a, the worker must establish that he or she was singled out for disadvantageous treatment because of an industrial injury?

True False

17. When a physician phrases industrial causation as being only a possibility and not medically probable, a compensable injury will not be found?

True False

CERTIFICATION

- This self-study activity has been approved for Minimum Continuing Legal Education credit by the State Bar of California in the amount of one hour.
- The State Bar of California certified that this activity conforms to the standards for approved education activities prescribed by the Rules and Regulations of the State Bar of California governing Minimum Continuing Legal Education (MCLE).

How to receive 1 hour of MCLE credit:

- After reading this issue of the *Appeals Board Reporter*, answer the test questions. Each question has only one answer. You may photocopy the answer sheet, but the answer sheet should not be reduced or enlarged.
- Mail the form and \$25 processing fee to:

**Providence Publications
P.O. Box 2610
Granite Bay, CA 95746**

- Make your check payable to Providence Publications. (If you are an *Appeals Board Reporter* subscriber, you do not have to submit the \$25.00 processing fee for the first four self assessment tests each year.)
- Correct answers and a Continuing Legal Education certificate will be mailed to you within four weeks.
- Make sure you retain the CLE certificate for compliance with State Bar MCLE bi-annual certification.

Name

Lawfirm/Organization

Address

City

State/Zip Code

State Bar Number