

## SELF ASSESSMENT TEST

1. Failure to serve documents in a WCAB proceeding in the manner required by statute or the Board's regulations is not a mere irregularity but rather an omission of substance which denies a fundamental right?

True  False

2. Dismissal is not an appropriate remedy for non-service of the Petition for Reconsideration on a litigant entitled to receive it?

True  False

3. Under the new apportionment rules enacted by SB899, the new approach to apportionment is to look at the current disability and parcel out the causative sources "nonindustrial, prior industrial, current industrial" and decide the amount directly caused by the current industrial source?

True  False

4. The employer has a general duty to provide a safe workplace. These general rules do not require an employer to take all conceivable steps to ensure safety, nor forbid an employer from adopting practice methods which might conceivably result in harm to the employee?

True  False

5. Penal Code §385(b) does not create a separate duty or standard of care owed by an employer to an employee in the operation of tools or equipment in close proximity to high voltage lines. Penal Code §385(b) merely assigns strict criminal misdemeanor liability to employers whose employees, while engaged in such activities, by their acts violate the statute's strict liability standard of care by moving a tool or piece of equipment within six feet of a power line?

True  False

6. Failure to raise issues in the petition for reconsideration waives those issues for purposes of a petition for writ of review in the Court of Appeal?

True  False

7. An aggrieved party may file a petition for writ of review only from a final order, decision or award?

True  False

8. A final order includes any order which settles, for purposes of compensation proceeding, an issue critical to the claim for benefits, whether or not it resolves all the issues in the proceeding or represents a decision on the right to benefits?

True  False

9. The payment of benefits pursuant to Education Code §44043 constitute payment of temporary disability for purposes of the 104-week limitation of Labor Code §4656?

True  False

10. Labor Code section 4850 benefits paid to certain public safety officers are not subject to the two-year limit on payment of temporary disability?

True  False

11. A general contractor owes not duty of care to an employee of a subcontractor to prevent or correct unsafe procedures or practices to which the contractor did not contribute by direction, induced reliance, or affirmative conduct. The mere failure to exercise a power to compel the subcontractor to adopt safer procedures does not, without more, violate any duty owed to the plaintiff?

True  False

12. Affirmative conduct need not always be in the form of actively directing a contractor or contractor's employee. There will be times when a hirer will be liable for its omissions?

True  False

13. Generally, the death of an applicant after executing a settlement agreement, but prior to its approval, does not render a compromise ineffective on the ground that there was a failure of consideration by the death. The approval of the C&R is treated as a condition subsequent, rather than a condition precedent, and thus, the agreement was validly entered into?

True  False

14. The Appeals Board has jurisdiction to approve a compromise and release agreement when the applicant died after executing the agreement, but before approval?

True  False

15. Evidence obtained after the close of discovery is not admissible unless the proponent of the evidence can demonstrate that it was not available or could not have been discovered by the exercise of due diligence prior the mandatory settlement conference?

True  False

16. An employee is not entitled to a second rehabilitation plan?

True  False

## CERTIFICATION

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- 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).

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