

CELLY SERVICES, INC.

Environmental, Health and Safety Services

Workers Compensation Issues

November 01, 2004

POSTING REQUIREMENTS

Industrial Welfare Commission Order No. 7-2001 (updated as of January 1, 2004) needs to be posted on the employee notice board in addition to the general labor law postings required under state and federal regulations. State law mandates that every employer shall keep a copy of this order posted in an area frequented by employees where it may be easily read during the workday. Interpretation of this order, if any is required, is best done by qualified legal counsel. This poster can be downloaded from the web at www.dir.ca.gov/IWC/wageorders2004/.

WORKERS' COMPENSATION (W/C) ISSUES

Workers' Compensation Reform Bill (SB899) enacted in April 2004 changed the coverage, benefits and medical care under the workers' compensation program. To ensure ongoing compliance with W/C issues, there are three brochures that must be discussed with the managers and at the facility. Copies of the three brochures (available in Spanish as well) from California Workers' Comp Institute at (510) 251-9470 or from your W/C carrier at no cost. The three brochures are as follows:

Facts About Workers' Compensation: Basic information about coverage, benefits and medical care under the workers' compensation program. Approved by the Administrative Director of the Division of Workers' Compensation for complying with statutory provisions of Labor Code Section 3551 and California Code of Regulations Sections 9880 and 9883 (Spanish), which require employers to furnish all new employees with state-approved, written notice of their right to workers' compensation benefits. Includes physician pre-designation form and other AB 749 elements required as of 01/01/03, information on SB 228/AB 227 changes that take effect 01/01/04, and changes under SB 899, enacted in April 2004. In summary, all new employees must be provided with this brochure. If you have not done so, then you must circulate these brochure to all existing employees. Also, physician designation requirements have changed and your W/C insurance company may not honor the old physician designation forms (signed by employees, if at all, before SB 899 went into effect) and it is important that you obtain update on this matter.

Facts For Injured Workers: Information explaining coverage, the nature of benefits and how they are secured, the medical treatment system and what to do if a problem arises. Designed to provide written information to injured workers about their rights and obligations under California workers' compensation. Information given in this brochure is beneficial as it informs the employee about their rights under W/C. Ill informed employees have a tendency to approach lawyers regarding their claims even if they have been rightfully provided with benefits which in turn increases the cost of the claim. This brochure was updated to include changes under SB 899, enacted April 2004.

Help In Returning to Work: Vocational rehabilitation information for workers injured on or after January 1, 1994, revised to reflect AB 749 changes effective 1/1/03. Pamphlet explains how to qualify and apply for vocational rehabilitation, as well as the elements of the rehabilitation process. Uses language developed by the Division of Workers' Compensation to satisfy the employer's requirement to "fully inform." These notices will be required for pre-2004 claims until 01/01/2009 for employees with pre-2004 injury dates whenever rehabilitation services may be necessary.

The article was authored by Sam Celly of Celly Services, Inc. Sam has been helping automobile dealers comply with EPA & OSHA regulations in California, Nevada, Arizona, Hawaii & Idaho since 1987. Sam received his BS & MS in Chemical Engineering followed by a JD from Southwestern University. Sam is a Certified Safety Professional & a Registered Environmental Assessor (CA). Your comments/questions are always welcome. Please send them to sam@cellysolutions.com.