

SELF ASSESSMENT TEST

1. The offset provision of the Los Angeles police department disability retirement program, under which payments are reduced by the amount of any workers' compensation award a police officer receives for the disabling injury, does not violate the Americans with Disabilities Act or the California Fair Employment and Housing Act?

True False

2. The right to control an employee is the primary consideration in determining whether a special relationship exists?

True False

3. A 'special employment' relationship arises when an employer lends an employee to another employer and relinquishes to the borrowing employer all right of control over the employee's activities?

True False

4. In a dual employer situation, the employee is generally limited to a statutory workers' compensation remedy for injuries he receives in the course of his employment with the special employer; he may not bring a separate tort action against either employer?

True False

5. To support a finding that the personnel action was carried out with subjective good faith so as to meet the objective reasonableness standard, it is only required that the personnel action be done in a manner lacking in outrageous conduct, honest and with a sincere purpose, without intent to mislead or defraud, and without collusion or unlawful design?

True False

6. No proceeding for death benefits may be commenced more than one year after the date of death or 240 weeks of the date of injury?

True False

7. To carry the burden of proof on the affirmative defense of intoxication, the employer must only prove not only that the injured employee was intoxicated at the time of injury?

True False

8. In order to reopen an award of permanent disability under Labor Code section 5410, the applicant must have experienced both "new" and "further" disability than that upon which the original award was based?

True False

9. Permanent disability that remains unchanged since the time of the original award does not constitute a new and further disability?

True False

10. When an issue is exclusively a matter of scientific medical knowledge, expert evidence is essential to sustain a finding and lay opinion in support of such a finding does not measure up to the standard of substantial evidence?

True False

11. Medical proof is required on problems of diagnosis, prognosis and treatment that are beyond the bounds of ordinary knowledge?

True False

12. The Appeals Board has jurisdiction over all controversies arising out of injuries suffered outside the territorial limits of the state in those cases where the injured worker is a resident of the state at the time of injury?

True False

13. Limitations on payment of temporary disability benefits as two separate parts: (1) An injured worker may not receive more than 104 weeks of temporary disability indemnity for a single injury, and (2) temporary disability may not be paid beyond two years from the date of commencement of temporary disability payment?

True False

14. The two year period for the payment of temporary disability under Labor Code §4656(c)(1) may be tolled by the doctrines of equitable estoppel or waiver?

True False

15. Cancellation of workers' compensation insurance for non payment of premium is governed by Insurance Code §676.8 which provides that a policy for failure to provide premium "upon 10 days' written notice to the policyholder by the insurer." If the cancellation notice is served by mail and additional 5 days is added to the deadline?

True False

16. In a case the employer wrongly denied the claim and temporary disability was eventually ordered dating back to 2004. Had the claim been accepted on a timely basis, there would be no question that the Labor Code §4061 notice was required to be sent prior to January 1, 2005. Relying on the liberal construction in favor of the injured worker under Labor Code §3202 mitigate in favor of applying the old rating schedule where it would otherwise be applicable but for the wrongful denial of the claim?

True False

17. A medical opinion must disclose familiarity with the concepts of apportionment, describe in detail the exact nature of the apportionable disability and set forth the basis for the opinion, so that the Appeals Board can determine whether the physician is properly apportioning under correct legal principles?

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).

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