

SELF ASSESSMENT TEST

1. CIGA can not be liable for common law and statutory bad faith and intentional infliction of emotional distress by virtue of the limitation of CIGA's obligation to payment and discharge of covered claims?

True False

2. Travel expense exception to the going and coming rule does not apply to a vanpool program?

True False

3. A vanpool is not a joint venture involving the employer?

True False

4. A viable cause of action can not be properly pled against State Fund for concealing the effect of administrative regulations concerning the calculations of workers' compensation policy premiums based on experience rating?

True False

5. The one year statute of limitations did not apply to extend an injured worker's time of file an action against the owner of property who hired an unlicensed and uninsured contractor?

True False

6. The filing of a civil action against the a property owner who hired an unlicensed and uninsured contractor is not tolled by the timely filing of a claim for workers' compensation benefits against the unlicensed and uninsured contractor?

True False

7. Aggregate disability payments for a single injury occurring on or after April 19, 2004, causing temporary disability shall not extend for more than 104 compensable weeks within a period of two years from the date of commencement of temporary disability payment?

True False

8. The hirer of an unlicensed and uninsured contractor does not have joint and several liability as an employer for workers' compensation purposes?

True False

9. A good faith personnel action is defined with a reasonableness test considering the totality of circumstances and not based upon a written standard?

True False

10. LAn injured worker is entitled to additional aggregate temporary disability payments for a total of 240 weeks within five years from the date of injury for a high-velocity eye injury?

True False

11. A vocational rehabilitation consultant may be an appropriate expert witness on the topic of diminished future earnings capacity (DFEC) to present evidence on and/or in rebuttal to the permanent disability rating schedule?

True False

12. The costs of the vocational rehabilitation consultant may be allowable under Labor Code §5811, but the standards for allowing such costs must be determined to be reasonable and necessary at the time they are incurred?

True False

13. The qualifications for each such expert vocational rehabilitation consultant witness must be determined on a case by case basis and the reports and the testimony must at least have the potential to affect the permanent disability rating in order to be recoverable?

True False

14. Whenever any firefighter is injured by reason of his or her proceeding to or engaging in a fire suppression or rescue operation, or the protection or preservation of life or property, but is not at the time acting under the immediate supervision of his or her employer, he or she shall be accorded by his or her employer all of the benefits of the workers' compensation system which her or she would have received had that firefighter been acting under the immediate direction of his or her employer?

True False

15. A police officer injured while driving on his day off to testify in court, is engaged in a special mission at the time of his injury?

True False

16. Employer to perform an activity that is within the course of employment but is unusual or extraordinary in relation to the employee's routine duties?

True False

17. The going and coming rule is riddled with exceptions. The central theme running through all the exceptions is that a benefit to the employer is conferred by the employee's trip?

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