

California
Department of
Industrial Relations

1996-1997
Biennial Report

Director's Report

The California Department of Industrial Relations' 1996-97 Biennial Report documents our progress toward achieving our strategic vision of becoming a model agency that both promotes workplace safety and a healthy economic environment, and inspires the faith and confidence of the public it serves.

It is also the last biennial report to be issued during the tenure of Governor Pete Wilson, and in many ways reflects the culmination of eight years of progress and innovation toward the goals and priorities of his administration with respect to labor law, workplace safety, and workers' compensation.

In contrast to reports issued in preceding years, we are able to provide this report in the context of a remarkable economic turnaround. Last year California gained more than 521,000 new jobs, the highest single-year job gain since 1984, and its largest annual job growth in more than a decade.

July 1998 was the 27th consecutive month of record high payroll employment in the state, with an unemployment rate of 5.6 percent—down from 6.3 percent a year ago, and the lowest unemployment rate in California since July 1990.

Since May 1993, the lowest point of the recession, jobs in California have increased by more than 1.5 million, reflecting a growth rate of 3.3 percent. The California comeback is well underway, and, as the number of Californians entering and returning to the work force increases, so too does the number of people who may require our assistance.

As California's work force and workplaces evolve to adapt to changing family structures and expanding technologies, we are constantly challenged to make certain that the states labor laws help rather than hinder California's employers and working people as they strive to prosper and succeed.



John C. Duncan
Director of Industrial Relations

The programs highlighted in this report reflect our priority to meet our dual mission of protecting and promoting the welfare of California's workers as well as their opportunities for gainful employment.

When I joined the Department of Industrial Relations (DIR) in 1991, the need for workers' compensation reform was all too evident. Costs swelled out of control while the system served neither injured workers nor their employers well.

July 16, 1998 marked the fifth anniversary of historic workers' compensation reform legislation signed into law

by Governor Wilson in 1993, and the improvements to date are dramatic.

Overall employer costs have fallen from more than \$11 billion per year to around \$8 billion. Employer premiums have decreased from more than \$9 billion per year to approximately \$6 billion. The average premium per \$100 of payroll is the lowest it has been in 20 years.

The reforms also dramatically reduced the cost of medical-legal evaluations, set reasonable limits on psychiatric stress claims, capped vocational rehabilitation expenses, and effectively targeted workers' compensation fraud.

The last two increases to the weekly temporary disability benefit available to injured workers—mandated by the 1993 reforms—were implemented during 1996-97.

A number of innovative new programs were also instituted, including a series of 24-hour health care pilot projects and an alternative benefit delivery and dispute resolution program in the construction industry. Participants in this "carve-out" program consent in a collective bargaining agreement to bypass the normal judicial system and use mediation or arbitration to resolve workers' compensation disputes. So far, results show that carve-out participants experience less litigation and costs.

**r e f o r m i n g
o u t d a t e d
r e g u l a t i o n s** A key priority of Governor Wilson has been reducing the regulatory burdens that have threatened the ability of businesses to remain profitable, and positioned California at a competitive disadvantage with other states.

Since taking office, the Governor has taken action to eliminate thousands of redundant and unnecessary regulations—and last year issued Executive Order W-144-97, which requires that an economic impact statement be included in each rulemaking record to ensure that state agencies fully consider fiscal ramifications to their constituencies when drafting new regulations.

On January 1, 1998, new regulations governing the payment of overtime wages in California went into effect, replacing California's outdated daily overtime requirement with the weekly standard followed by the federal government and almost every other state.

As alternative work schedules, flextime, telecommuting, job sharing, part-time and compressed workweeks have become commonplace around the nation, the fact that California required daily overtime had for years discouraged the states employers from offering workers these options.

For companies seeking to locate their business or expand existing facilities here, the expense of paying daily overtime and keeping up with the associated record-keeping requirements was significant enough to compel many to choose to do business elsewhere. The obsolete regulations were frankly out of step with the demands of California's diverse and expanding economy and the needs of working people and their families.

Employers must now pay overtime to their employees for time worked in excess of 40 hours in a week, rather than after eight hours in a single day, and as a result, millions of Californians may now take advantage of the kind of flexible work schedules their counterparts in other states have enjoyed for many years.

At the beginning of 1997, the Department promulgated new regulations to conform the states outdated prevailing wage rules with the federal Davis-Bacon Act, to increase by millions of dollars both the public works built and the corresponding public construction job opportunities. Under the method adopted by the Department in the old era of union domination of construction wages, prevailing wages were determined by the modal statistic, which selects the most frequently occurring wage paid in any craft as "prevailing."

The modal statistic favors wage rates adopted under collective bargaining agreements, nine out of ten times—even though three out of four construction workers are not paid union wages—which are frequently the highest rates paid in many areas. Unfortunately, implementation of the reform regulations has been repeatedly stalled by litigation.

labor law enforcement

One of the Departments foremost success stories continues to be the Targeted Industries Partnership Program (TIPP), which targets labor abuses in agriculture, garment manufacturing, and other industries that have long histories of labor law, employment tax, health and safety violations.

To date, TIPP has recovered and paid tens of millions of dollars in back wages to workers and collected \$4.6 million in penalty assessments.

TIPP's four main partners are DIR's Divisions of Labor Standards Enforcement (DLSE) and Occupational Safety and Health (Cal/OSHA), the California Employment Development Department (EDD), and the U.S. Department of Labor, Wage and Hour Division (USDOL).

TIPP also provides educational seminars and consultation services to employers and employees on labor, safety and health issues in keeping with the Governor's commitment to solutions which are preventive rather than merely punitive.

the work force of tomorrow

California's apprenticeship programs develop in workers the requisite skills they need to secure good wages in specialized fields, and provide participating employers with a proficient and dependable work force.

In an effort to make sure that California's young people are properly prepared to enter the work force upon graduation from high school, the Division of Apprenticeship Standards (DAS) is in the process of

expanding the apprenticeship concept to the high school level through the School-to-Career in Apprenticeship program (STC/A).

The STC/A program differs from most other school-initiated work experience programs for students in that all on-the-job training is paid, and the agreement signed with the employer is a commitment of continued employment and training upon the student's graduation.

The Division will launch a Career Through Apprenticeship pilot project targeting disadvantaged high school students for entry into apprenticeship programs. Currently, we are also exploring its value in welfare to work, the obvious benefit of which would be to provide welfare recipients with skills that will guarantee long term employability in a secure vocation.

DAS is producing an outreach video—demonstrating the variety and diversity of registered apprenticeship program opportunities in California—for wide dissemination through a number of media outlets, including the Internet.

A priority throughout my tenure at DIR has been to make the Department, through each of its Divisions, more accessible to its constituencies and more cognizant of its role as a provider of services.

a commitment to customers

The DIR website, introduced in 1995, has proven to be invaluable in this respect, availing an abundant amount of information and services to the on-line public. Earlier this year, all of the Department's Title 8 regulations were made available in searchable format.

Also available on the DIR website are a complete listing of Prevailing Wage Determinations, access to the California Labor Code, current California wage orders and an abundance of general information relating to the Department and its responsibilities—from an employee's rights on the job to how the workers' compensation system operates.

The Division of Workers' Compensation (DWC) recently established a full-service website—through which injured workers, employers, claims administrators, attorneys, medical service providers and others can access information about the workers' compensation system and download electronic versions of forms, documents and publications—and has begun implementing the Workers' Compensation Information System, which will allow employers to file First Reports of Injury electronically and permit monitoring of the system's performance from the time a worker is injured through the conclusion of their case.

The Division of Labor Standards Enforcement (DLSE) is developing a computerized audit application for all its programs, which will be available to employers for self-audits that will enable them to identify and correct infractions before they are cited.

The Division of Apprenticeship Standards (DAS) is presently developing detailed descriptions of registered apprenticeship programs in California that will soon appear on standard One Stop Career Center Systems within California, as well as on one Internet site.

Ultimately, our goal is to provide all the Departments licensing and registration functions on-line.

Every division within the Department has also made great strides in recent years in expanding outreach activities to foster greater communication between DIR and its constituencies.

For example, the Division of Labor Statistics and Research (DLSR) has implemented a series of training seminars throughout California to explain the Prevailing Wage program to awarding agencies and other interested parties. DWC last year began conducting workshops for injured workers and developed a series of 14 fact sheets to guide injured workers in filling out Workers' Compensation Appeals Board (WCAB) forms and petitions or performing other actions on their case.

A year ago, California became the first state in the nation to implement ergonomic regulations.

w o r k p l a c e
s a f e t y

The standard was required by legislation passed in 1993 directed at reducing the incidence of work-related repetitive motion injuries, or RMIs. The regulation, which was legislatively mandated, applies to businesses having 10 or more employees.

It is triggered only when at least two employees performing identical "repetitive" tasks have been diagnosed with work-related RMIs within 12 consecutive months. Should that occur, the regulation calls for the employer to evaluate the affected worksite and to establish and implement a program designed to correct or minimize the condition by controlling the exposures that cause RMI.

Workplace injuries and illnesses continue to decline in California, and DIR remains committed to sustaining this encouraging trend. Vital to that effort have been the compliance inspections and confidential consultation services conducted by the Division of Occupational Safety and Health (DOSH).

Rather than limiting our role to citing employers for violating health and safety regulations, or in reaction to on-the-job injuries and fatalities, our aim is to provide as many employers as possible with the opportunity to bring themselves into compliance before punitive measures become necessary—and, most important, before an employee comes to harm.

We have maximized limited state resources through the DOSH High Hazard Unit, which targets industries with greater than average illness and injury rates and workers' compensation losses. Employers who receive high hazard consulting demonstrate significant improvement in these areas over those who do not.

DOSH has also enjoyed success with the Voluntary Protection Program, or VPP, a certification program founded on cooperation between government and business, and designed specifically to reward employers with superior records in preventing and controlling occupational hazards.

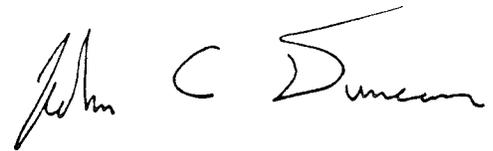
Applicants to the program must demonstrate that they have developed, implemented and maintained an effective workplace health and safety program that, beyond meeting Cal/OSHA's minimum standards, has resulted in illness and injury rates that are significantly lower than the average for their particular industry.

Worksites that do so are granted Cal-Star status, taken off Cal/OSHA's scheduled inspection lists, and attain nationwide recognition as leaders in workplace health and safety. Of course, the greatest benefits of Cal-Star status are realized through the process of establishing an effective workplace safety program.

In a similar vein to the DOSH consultation service is Operation Insure, a pilot program launched this year by DIR that cross-references information from various state agencies to uncover uninsured employers, and educate them on the statutory requirements for workers' compensation insurance so they can be brought into compliance.

While I am encouraged by what we at the Department of Industrial Relations have been able to achieve to date, the work of the Department is never finished. It is my hope that our progress will inspire us to work even harder to provide the people of California with the kind of service they deserve from their government.

That being said, the programs and accomplishments highlighted in the following pages represent the combined efforts of the Department's hard-working and dedicated staff, whose daily commitment to their jobs merits my sincere appreciation, and, more important, that of the citizens they take pride in serving.

A handwritten signature in black ink, appearing to read "John C. Duncan". The signature is written in a cursive style with a large, stylized "J" and "D".

DIR 1996-1997 Biennial Report

Department of Industrial Relations (DIR): established to improve working conditions for California's wage earners, and to advance opportunities for profitable employment in California

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State of California
Pete Wilson, Governor
John C. Duncan,
Director of Industrial Relations



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DIR Home Page
<http://www.dir.ca.gov>

- Licensing/registration: garment manufacturers, farm labor contractors, talent agents
- Application to work in entertainment industry
- DLSE topical index
- Rights information
- Reports: discrimination complaints, BOFE, TIPP
- Child labor law booklet

DLSE programs are intended to protect California wage earners and maintain a level playing field for California's law-abiding employers. Public forums educating employers and employees as to their rights and responsibilities under state and federal labor laws are among DLSE's most effective compliance tools. Its new computerized audit program enables employers to identify and correct infractions. The highly acclaimed TIPP and JESF partnerships are described on these pages. The Labor Commissioner's expanded efforts to serve a culturally diverse population are realized in community forums, educational seminars, and public access to information via telephone, publications, and the Internet.



DLSE Chief Jose Millan

Division of Labor Standards Enforcement (DLSE)

California labor law: enforcing, licensing, investigating | Headed by the State Labor Commissioner, the Division of Labor Standards Enforcement provides a diverse range of services to the public, from wage claim adjudication and discrimination complaint investigations to active enforcement of California's labor laws.

DLSE enforcement efforts—which include child labor laws, workers' compensation laws, payments of minimum and overtime wages, and investigations of labor law abuses in the underground economy—are maximized through multi-agency enforcement programs. DLSE also licenses farm labor contractors, issues permits for industrial homeworkers and sheltered workshops, certifies studio teachers, and registers garment manufacturers.

The Governor-initiated **Targeted joint enforcement: Industries Partnership Program TIPP and JESF** (TIPP) and **Joint Enforcement Strike Force** (JESF) are both tremendously successful.

Industries in California with a history of labor law violations and employing significant numbers of lower-paid workers are targeted by TIPP for enforcement and education. TIPP partners (DLSE, Cal/OSHA and the U.S. Department of Labor) signed a memorandum of understanding that broadens its jurisdiction.

TIPP is now an ongoing program coordinating state, federal and local agencies in agriculture, garment manufacturing, restaurants, and any other industries that the agencies jointly select.

The 1996 addition of the Employment Development Department (EDD) as a lead agency enabled TIPP to more effectively target California's underground economy. TIPP also developed a memorandum of understanding with agencies participating indirectly, such as the state Franchise Tax Board and federal Internal Revenue Service.

TIPP has recovered millions of dollars in earned and unpaid wages for California's lower-paid workers while saving taxpayer dollars by reducing redundant government intrusion. TIPP regularly conducts unannounced sweeps coordinating a number of agencies in a concentrated enforcement action—particularly in southern California where most of the garment manufacturers operate.

TIPP's nationally reported 1995 El Monte raid of an illegal garment manufacturing operation resulted in distribution of more than \$2 million—one of the largest of such settlements—to the workers who had labored under slavelike conditions. The Smithsonian Institution in Washington, D.C. requested artifacts from this raid for a 1998 exhibition in its American History Museum.

Partnering with EDD in 1996-97 resulted in increased citations and penalty collections for violations found in the garment industry. DLSE also increased its collection efforts for back wages of garment and agricultural workers, continuing the upward trend of TIPP collections each year.

TIPP has helped ensure that employees work in a safe environment, know their rights under the law, and are familiar with agencies that enforce the regulations.



Educational seminars and consultation services for both employers and employees on labor, safety and health issues are an important aspect of TIPP outreach.

Two telephone hotlines give easy access for reporting suspected labor law violations to TIPP:

- Garment Hotline 1-800-803-6650
- Farm Worker Hotline 1-800-733-3899

New TIPP projects include prevention of document forgeries through use of a non-copyable paper that cannot be duplicated on a copy machine, and increasing staff hours to cover inspection sweeps on the weekend as well as before 8:00 a.m. and after 6:00 p.m. daily.

In 1996 TIPP won recognition as one of the most

innovative government programs throughout the United States when it received the "Innovations in Government Award" of the Council of State Governments, a national organization that promotes excellence in government.

The purpose of the **Joint Enforcement Strike Force (JESF)** is three-fold:

**u n d e r g r o u n d
e c o n o m y**

- Enhance development and sharing of information to combat the underground economy in California.
- Improve coordination of enforcement activities.
- Develop methods to pool, focus and target enforcement resources of strike force members in support of enforcement activities of individual agencies.

	1993	1994	1995	1996	1997
TIPP inspections conducted	1,061	1,089	1,065	1,197	1,781
Civil citations issued	763	748	807	1,036	1,319
Wages recovered & paid to workers	\$1,779,395	\$2,574,521	\$3,269,047	\$4,672,075	\$1,869,168
Penalty collections by DLSE	\$395,734	\$469,332	\$1,246,838	\$1,097,610	\$1,379,713

JESF members in addition to the Department of Industrial Relations include the: Employment Development Department, Department of Consumer Affairs, Office of Criminal Justice Planning, Franchise Tax Board, Board of Equalization, and Department of Justice.

The strike force formed a joint enforcement subgroup, the Employment Enforcement Task Force, to identify and bring into compliance businesses in violation of California payroll tax, licensing and labor laws. DLSE also has a contract with the Franchise Tax Board authorizing it to collect delinquent unpaid wages and penalties for DLSE.

Enforcement results of the strike force prove the effectiveness of cooperation between state agencies. Collectively, the information sharing has brought about a broader awareness of compliance issues, and multiple enforcement efforts have brought many businesses into the legitimate economy.

protecting young workers California has some of the most stringent child labor laws in the nation. Starting with the Governor's Omnibus Child Labor Act, DLSE expanded protection for young workers through new regulations and by increasing penalties for those who attempt to exploit them.

Additional regulations adopted in 1997 will improve the level of education provided to young workers in the entertainment industry by increasing the standards their studio teachers must meet.

public works laws In November 1997 the Labor Commissioner held the first information forum on state public works enforcement for awarding agencies and labor compliance groups. New 1998 requirements of Senate Bill 1328 (Brulte) that apply to prime contractors and subcontractors were also covered. The Labor Commissioner's outreach forums continue statewide.

DLSE's strong enforcement of the prevailing wage provisions of public works statutes entails investigating construction contracts that are paid for in whole or in part with public funds. The statutes also regulate apprentice

hiring, pay and training, and debarment procedures for contractors or subcontractors found in willful violation.

During 1991-97, DLSE investigated 9,906 public works cases, collected \$6,361,781 in penalties, and recovered \$31,607,391 in wages for workers on public works projects.

Investigating wage claims on behalf of workers who file complaints for nonpayment of wages, overtime or vacation pay, DLSE holds informal conferences between employers and employees to settle wage disputes. If the matter cannot be resolved at the conference, DLSE holds an administrative hearing before a hearing officer and enters judgments in municipal or superior court against employers failing to comply with the Labor Commissioner's final order.

During 1991-97, DLSE opened 273,917 wage claim cases and closed 264,070, held 80,547 hearings, and awarded \$182,487,441 in back wages as a result of the hearings.

DLSE provides information to the public on wages, hours, working conditions and other labor law issues. The Industrial Welfare Commission's April 1997 decision conformed California's overtime regulations for most California workers to those of the federal government and 47 other states. As of January 1998, they receive overtime pay after 40 hours in a week instead of after 8 hours in a day.

DLSE's Bureau of Field Enforcement (BOFE) investigates complaints and takes enforcement action to make sure employees do not work under unlawful conditions. BOFE staff deal with child labor laws, worksite inspections, audits of payroll records, collection of unpaid minimum, overtime and prevailing wages, issuance of civil and criminal citations, confiscation of illegally manufactured garments, and injunctive relief to preclude further violations of California labor law.

During 1991-97, BOFE investigated 299,210 complaints filed, conducted 55,519 inspections, and issued 21,659 citations.



Maximizing enforcement through multi-agency efforts with TIPP and JESF, the aim is to give back the economic advantage to law-abiding employers as well as protect workers from unlawful labor practices.

licensing and registration DLSE's Licensing and Registration Unit registers garment manufacturers and licenses farm labor contractors, talent agents, and industrial home work businesses in California. The unit also certifies studio teachers, issues permits for subminimum wages and sheltered workshops, and registers employers and transporters employing minors in door-to-door sales.

During 1991-97, the unit issued 34,719 garment manufacturing registrations, 7,673 farm labor contractor licenses, and 3,884 talent agent licenses.

Under a memorandum of understanding with the Internal Revenue Service, applicants for garment registrations and farm labor licenses are checked for outstanding tax liabilities—and not issued licenses until they resolve their tax responsibilities.

discrimination complaints DLSE protects the rights of employees by investigating and resolving complaints of discrimination. The administrative remedy of the Labor Commissioner

includes protection for employees who report hazardous working conditions or refuse to work in an environment that is not in compliance with safety and health standards. Also protected from discrimination in the workplace are employees who report violations of Industrial Welfare Commission orders or other state labor laws. In 1997 the Labor Code was amended to extend protection to parents, guardians and custodial grandparents who participate in activities of a child attending a licensed day care facility.

The Labor Code also prohibits an employer from coercing or influencing employees through threat of discharge or loss of employment due to actual or perceived sexual orientation.

During 1991-97, DLSE investigated 4,319 discrimination complaints, of which 3,652 were closed.

The majority of the civil cases presented by DLSE attorneys at **legal section** both the trial and appellate level involve unpaid wage issues which arose from an appeal of an order, decision or award of the Labor Commissioner.

DLSE attorneys pursue litigation against businesses found in violation of California child labor laws for the protection, safety and general welfare of minors. Controversies between artists and talent agencies are also handled,

and a license of a licensee who ceases to be of good moral character can be revoked.

DLSE attorneys can revoke business licenses of garment manufacturers, farm labor contractors, and employers of minors engaged in door-to-door sales, who do not comply with California law—which helps the businesses that are in compliance.

DLSE also pursues cases involving violations of the prevailing wage provisions of public works laws.

During 1991-97, the DLSE Legal Section opened 15,525 legal cases, closed 15,633 legal cases, achieved 7,873 judgments and settlements, and collected \$43,123,640 in wages and penalties.

In addition to the telephone _____ hubs operating in San Francisco **public information** and Sacramento, DLSE installed new hubs in Los Angeles and San Diego in 1997 to service southern California. The automated telephone answering system handles public information calls for DLSE field offices.

Recorded information covers wage payment, licensing and registration, field enforcement, and Industrial Welfare Commission orders—as well as DLSE office addresses with directions to each office. Recorded in three languages, the informational messages of the automated telephone system operate 24 hours a day, every day of the week.

Callers can also save a trip to the local DLSE office by requesting forms needed to file a claim for wages due—and can then mail the claim to the office investigating the case.

Industrial Welfare Commission (IWC)

setting minimum wages, maximum hours, work conditions

The Industrial Welfare Commission incorporates minimum wages, maximum hours, and standards

for working conditions into orders that cover employees in 15 industry and occupation groups.

Following its legislatively mandated process of holding public meetings and convening advisory wage boards to examine IWC orders, the commission provided public notice and held public hearings around the state before voting to make changes in the following orders:

- Order 1—Manufacturing Industry
- Order 4—Professional, Technical, Clerical, Mechanical, and Similar Occupations
- Order 5—Public Housekeeping Industry
- Order 7—Mercantile Industry
- Order 9—Transportation Industry

Effective January 1, 1998, the major change in these orders requires overtime to be paid for all time worked in

excess of 40 hours in a single workweek instead of after 8 hours in a single day.

Complying with its legislative mandate concerning the minimum wage, the IWC formally adopted the two-step federal increase, and the additional two-step increase from passage of the November 1996 state ballot initiative. As of March 1, 1998, the California minimum wage is \$5.75 per hour.

Because legislative budget actions did not provide the commission with enough funding to adequately pursue its mandates during fiscal year 1997-98, the IWC closed its doors on July 1, 1997.

The 15 IWC orders including all changes effective January 1, 1998 and minimum wage provisions—as well as the new IWC Minimum Wage Order MW-98—are posted on the Internet:

DIR Home Page — <http://www.dir.ca.gov>



DWC Chief Casey Young

One of the Governor's most successful initiatives, the 1993 workers' compensation reforms have thus far contributed to rate reductions approaching 40 percent in California. Special "carve-out" projects, a creative element of the reforms, show promise of further reduced costs. Expanding its services on the Internet, DWC operates the Workers' Compensation Information System, which allows employers to file electronically their First Reports of Injury—the status of claims can then be tracked during the entire process, from first report through resolution.

DIR Home Page
<http://www.dir.ca.gov>

- California workers' comp information and resources for injured workers, employers, claims administrators, medical service providers, attorneys, researchers, and public access

Division of Workers' Compensation (DWC)

The Division of Workers' Compensation monitors workers' compensation claims administration, works to minimize disputes, and provides administrative and judicial services to help resolve disputes over claims for benefits.

During 1996-97 DWC continued carrying out the historic 1993 reform of California's workers' compensation system. Employers and employees continued to enjoy benefits from the reform as the remarkable decline in workers' comp insurance premium rates that began in 1994 maintained its downward trend, and the final two mandated increases in benefits for injured workers took effect.

W C I S One of DWC's highest priorities during 1996-97 was developing the legislatively mandated **California Workers' Compensation Information System (WCIS)**. The electronic data will help DIR manage the state's workers' comp system and facilitate its evaluation, measure adequacy of benefits for injured workers and their dependents, and provide statistical data for research. WCIS funding was approved by the Governor and Legislature at the end of 1997.

During 1998 DWC plans to upgrade another of its electronic commerce programs, the EDEX system, which allows parties to request and obtain information about specific workers' compensation cases, and to file liens electronically. Begun in 1994, EDEX use has grown substantially.

By the end of 1997 there were more than 350 EDEX

subscribers with some 3,000 authorized clients. Nearly half a million EDEX transactions took place during the year, and the number of authorized vendors of the software required to access the system grew to five.

A full-service DWC website was also established by the end of 1997.

From it injured workers, employers, claims administrators, attorneys, medical service providers, researchers and the public can access a wide variety of information about the state's workers' comp system—as well as download electronic versions of forms, documents and publications.

Claims processing in DWC/WCAB local offices remains at high volume. While the number of new opening documents at WCAB offices has averaged nearly

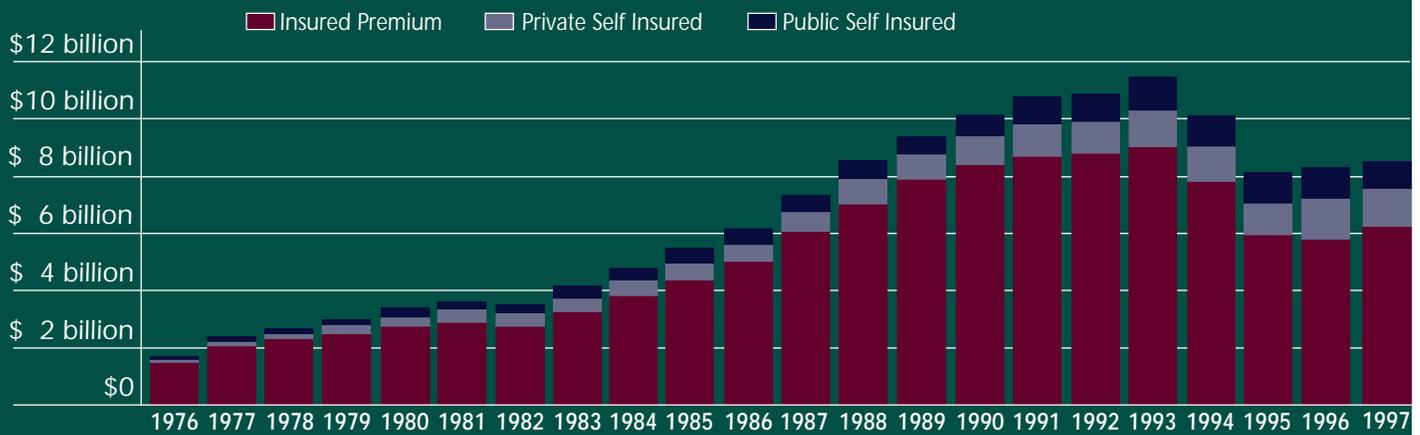
70,000 per quarter since 1992, their composition has changed. Fewer new filings involve pre-applications—usually filed by a lien claimant before one of the parties files an application for adjudication—while more filings are new applications for adjudication. Although the number of filings seems to have been dropping, the number of Declarations of Readiness to Proceed with a case is rising, and the cases being litigated tend to involve more complex issues than in the past—primarily a result of changes in the law that took effect in 1990 and 1994.

handling workers' comp claims, helping resolve disputes

full-service website

claims adjudication

Total Cost of Workers' Compensation: 1976-1997



Sources: Workers' Compensation Insurance Rating Bureau and DIR Office of Self Insurance Plans.

Four years after California enacted major reforms in its workers' compensation system, California employers continued to experience lower costs, which in many cases are declining further.

Total workers' compensation costs in California had grown to about \$11 billion per year by 1993, the year of

reform. Estimates indicate that those costs have dropped nearly a third.

In the years leading up to the reform, total premium paid for workers' comp insurance had been skyrocketing, from \$1.6 billion in 1976 to about \$9 billion by the beginning of 1993.

In 1996 DWC's Claims Adjudication Unit was reorganized into three regions statewide for more effective handling of the day-to-day workload at the 26 district offices.

lien backlog eliminated At the end of 1997, two units of workers' compensation referees—that were set up to handle a persistent backlog of medical and other liens—were closed after that backlog was successfully eliminated.

About two-thirds of the lien cases were resolved after conference, one-third after trial. Decisions made on liens totaled 33,867 in 1996 and 27,096 in 1997.

information and assistance DWC's Information and Assistance Unit provides a continuous program for employees, employers,

labor unions, insurance carriers, physicians, attorneys and other interested parties concerning the rights, benefits and obligations under California's workers' compensation laws. Staff play a major role in reducing litigation before the Workers' Compensation Appeals Board (WCAB), and are often the first contact between injured workers and DWC. Information and assistance officers:

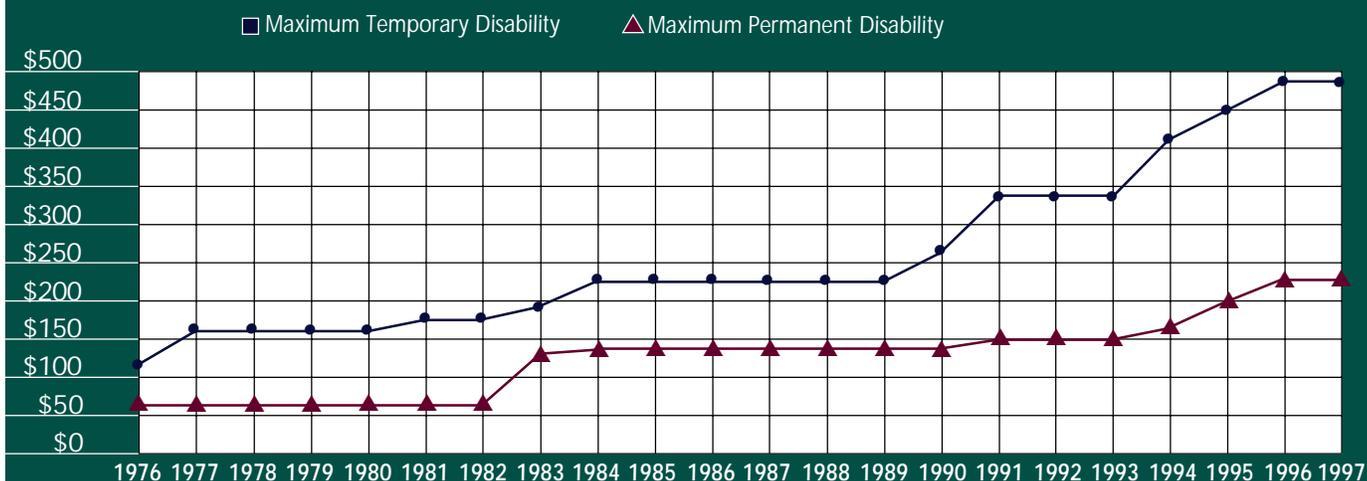
- Respond to phone calls—382,439 in 1996 and 325,190 in 1997.
- Handle letters from the public—68,705 in 1996 and 58,265 in 1997.
- Assist people over the counter—61,685 in 1996 and 55,227 in 1997.

Staff also assist workers' compensation referees by

	DWC Claims Adjudication Unit	1995	1996	1997
* Includes received applications for adjudication and settlement documents.	Total opening documents *	242,557	212,710	198,480
** Includes window period applications.	Declarations of Readiness **	242,642	245,392	232,742
	Hearings held	344,854	285,665	260,851
	Decisions issued	742,945	731,818	695,685

Sources: DWC/WCAB On-line Data System—New Filings (Rpt 10), Declarations of Readiness (Rpt 13—quarterly), Hearings (Rpt 20).

Maximum Weekly Temporary & Permanent Disability Benefits: 1976-1997



Source: California Labor Code, figures for permanent partial disability for 1990-1997 apply to disabilities of 25 percent or greater.

Another goal of the reform legislation—improved benefits for workers injured on the job—is being realized along with improvements in the quality of medical care.

Measured against the weekly wage, benefits to injured workers rose from 63 percent in 1993 to 85

percent of the state's average weekly wage in 1997.

The maximum weekly benefit payment of \$336 for temporary disability in 1993 rose to \$490 per week in 1997 as a result of benefit increases phased in during the four-year period.

reviewing proposed settlements, including “stipulations” and “compromises and releases.” Settlements reviewed totaled 41,745 in 1996 and 29,877 in 1997.

The unit's role in helping unrepresented injured workers and their employers resolve disputes without formal litigation entails holding informal conferences with the parties and making recommendations on proposed settlements to the WCAB. Settlement conferences totaled 9,647 in 1996 and 8,817 in 1997.

The unit's outreach activities also increased during 1996-97 as information and assistance officers made an average of seven presentations per month to workers' compensation community groups.

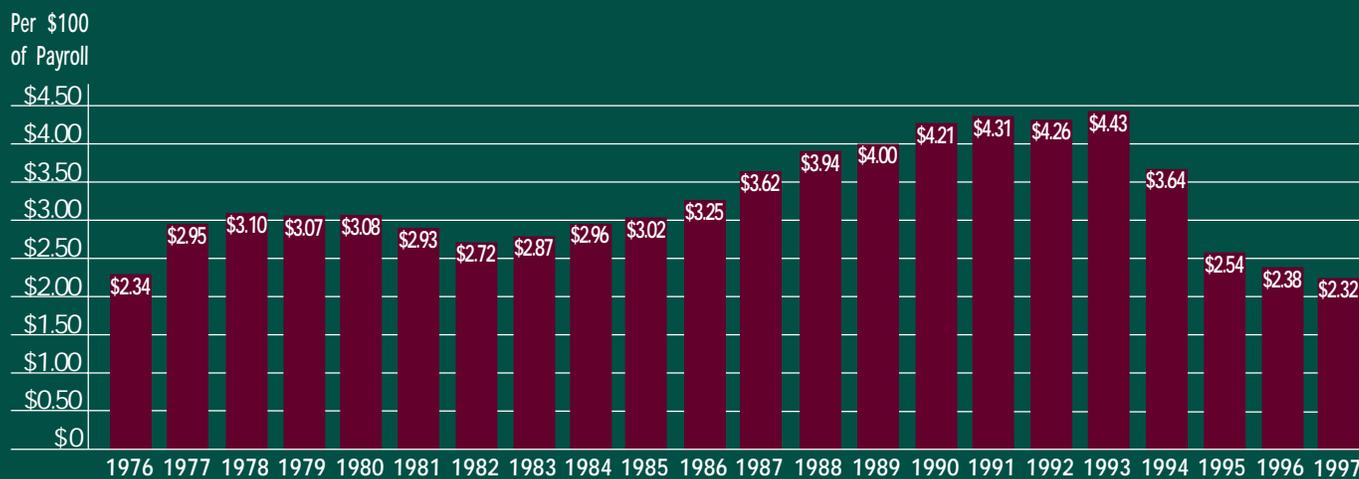
In 1997 the unit began holding **o u t r e a c h** workshops for injured workers at DWC/WCAB local offices. Some 700 people attended the workshops between March and December 1997. Staff also developed a series of 14 fact sheets to guide injured workers in completing WCAB forms and petitions, or performing other actions in their cases.

DWC also operates a centralized toll-free phone number—1-800-736-7401—that provides pre-recorded information and a way to request its forms and other printed information. The system allows DWC to handle multiple calls simultaneously and gives information to as many as 1,000 callers daily—a vast improvement over the 40-50 calls per day that were answered on the previous system.

Attendees at the DWC annual educational conference for claims administrators, medical providers, attorneys, rehabilitation counselors and others in the workers' comp community numbered 918 in 1996 and 930 in 1997. Senior DWC staff, other state agencies and experts from the private sector are the presenters at this increasingly popular event initiated in 1994 to provide opportunity for learning firsthand the latest developments and ongoing programs in the workers' compensation arena.

DWC's Rehabilitation Unit **rehabilitation** determines services needed to help injured workers return to suitable gainful employment when unable to work in their former jobs, and resolves

Workers' Compensation Earned Premium as Percentage of Payroll: 1976–1997



Source: Workers' Compensation Insurance Rating Bureau, calendar year earned premium and payroll.

A standard way to measure workers' compensation costs is to look at the percentage of payroll needed to pay for workers' compensation insurance.

Employers in 1976 were paying, on the average, just under \$2.50 per \$100 of payroll.

By 1993 that figure had grown to almost \$4.50 per \$100 of payroll. But by 1996 the number had rapidly declined, going back down to under \$2.50—nearly the same amount as 20 years earlier.

disputes regarding rehabilitation benefits and services.

Standards governing timeliness and quality of vocational rehabilitation services for industrially injured workers—revised in 1994 to reflect changes in the law resulting from the 1993 reform, including a cap of \$16,000 on rehabilitation benefits and services—were modified in 1996 for further clarification. While developing and revising the standards, DWC considered the views of rehabilitation professionals, employers, insurers, injured workers, and other interested parties. Staff promoted understanding of these standards by holding statewide training sessions.

In 1997 the units policy and procedure guidelines for the day-to-day activities of DWC rehabilitation consultants were revised for the first time since 1984. Other new rehabilitation regulations during 1996-97 revised forms, helped distinguish additional living expenses, provided for out-of-state rehabilitation services, and clarified the definition of modified work and what constitutes a delay.

During 1996 the unit opened 31,540 new files and reopened 4,156 previously closed files. A total of 19,051 plans were approved that year. The unit closed 44,357 cases in 1996—22,776 workers were job-ready at the time of request for closure, and 11,360 returned to work. Staff also held 10,903 conferences in 1996 to resolve rehabilitation disputes, issuing a total of 61,073 decisions.

In 1997 the unit opened 26,399 new files, reopened 3,088, and approved 12,945 plans. Of the 37,487 files closed during the year, 17,004 workers were job-ready at the time of request for closure and 7,932 returned to work. During 1997 the staff held 10,727 conferences to resolve rehabilitation disputes, and issued 50,328 decisions.

Since the 1993 reforms, employers may offer modified or alternative work to meet their vocational rehabilitation obligations. In 1996 employers offered 2,372 employees a return to work in either a modified or alternative capacity, and in 1997 the figures increased to 3,085—a vast improvement over previous years.

**disability
evaluation**

DWC's Disability Evaluation Unit recommends permanent disability ratings by assessing physical and mental impairments. The evaluations are used by referees, injured workers, and workers' compensation insurance administrators to provide permanent disability benefits.

The unit prepares Summary Evaluations of Permanent Disability within 20 days of receiving employer-employee forms and the Qualified Medical Evaluator's report. Most of the current ratings are for unrepresented workers.

As mandated by the 1993 reform legislation, a new Schedule For Rating Permanent Disabilities adopted at the end of 1996 applies to injuries occurring on and after April 1, 1997. Developing and testing the schedule—the first significant revision since the early 1940s—was a major staff priority. It overhauls sections on occupation and age adjustments, reschedules some commonly used ratings previously unscheduled, eliminates archaic and unused provisions, and adds extensive instructions and examples for proper use of the schedule.

The Commission on Health and Safety and Workers' Compensation, as mandated by the law, is conducting a more fundamental study of the permanent disability rating process, after which more changes to the rating system may be proposed.

**audit and
enforcement**

DWC's Audit and Enforcement Unit promotes prompt payment of workers' compensation benefits to injured workers. The unit audits insurance companies, self

insured employers, and third-party administrators for meeting their obligations under the Labor Code and DWC regulations. By assessing penalties and ordering payment of unpaid compensation, this unit makes sure that proper benefits are delivered accurately and promptly.

Penalties range from \$100 to a maximum of \$5,000 per violation—the amount is determined by the gravity of the violation and good faith of the claims administrator, as well as by the frequency and history of violations. In addition, a civil penalty of up to \$100,000 may be assessed if willful improper claims handling is found.

In 1996 the unit completed 55 audits and reviewed 12,436 cases. Of the audit subjects, 47 were selected randomly—the remaining were based on prior audits, or following an investigation of claims handling practices resulting from complaints received by DWC. Of the cases reviewed, 116 were based on complaints.

In 1997 the unit completed 39 audits, of which 29 were selected randomly and 10 were based on prior audits or DWC investigations of claims handling practices. Compliance officers audited 8,504 cases during 1997, 87 of which were selected based on complaints.

In the 1996 audits the unit issued 9,030 administrative penalty assessments totaling \$1,164,120. Unpaid compensation was found in 579 claims and totaled \$473,961. The unit issued 9,326 administrative penalty assessments totaling \$1,269,370 in the 1997 audits. Unpaid compensation was found in 508 claims and totaled \$454,399.

Most assessments were found in indemnity, complaints,

DWC Disability Evaluation Unit	1993	1994	1995	1996	1997
Informal evaluations	10,795	3,333	1,713	658	310
Formal evaluations	3,589	3,377	3,803	4,238	3,734
Written consultations	36,936	37,371	38,738	55,041	60,499
Verbal consultations	20,955	21,703	20,273	29,626	30,607
Summary ratings	34,556	53,475	67,639	46,482	42,146
Totals	106,831	119,259	132,166	136,045	137,296

and denied claims. Very few penalty assessments were found in medical-only claims, and the time involved in reviewing them was minimal. As in prior years, the most frequently assessed violations were for failure to issue or the late or inaccurate issuance of a benefit notice to the injured worker, and for late or inadequate payment of compensation. During 1996-97 the average number of penalty citations per company audited was 239, and the average amount in penalty assessments per audit was \$32,548.

c l a i m s DWCs Claims Unit authorizes payment of workers' compensation benefits to injured workers under two special programs, Uninsured Employers Fund and Subsequent Injuries Fund.

Claims are paid from the Uninsured Employers Fund (UEF) when illegally uninsured employers fail to pay workers' compensation benefits awarded to their injured employees by the WCAB. Procedure guidelines for receiving UEF benefits are available from DWCs Information and Assistance Unit. UEF claims paid totaled \$24,910,599 in 1996 and \$19,548,437 in 1997.

The Subsequent Injuries Fund (SIF) is a source of additional compensation to injured workers who already had a disability or impairment at the time of injury. For SIF benefits to be paid, the combined effect of the injury and the previous disability must be a permanent disability of at least 70 percent. The fund enables employers to hire disabled workers without fear of being held liable for the effects of previous disabilities or impairments.

SIF benefit checks are issued by the State Compensation Insurance Fund after issuance of an award by the WCAB and authorization by DWCs Claims Unit. SIF claims paid totaled \$5,139,906 in 1996 and \$6,332,988 in 1997.

The Uninsured Employers Fund/Inmates Without Dependents (UEF/IWD) Collection Unit of DWC collects amounts due the Uninsured Employers Fund, mainly from illegally uninsured employers. The unit also collects amounts from third-party tortfeasors and others. The unit collected \$4,221,898 in 1996 and \$4,451,388 in 1997.

Revenues from collecting temporary disability benefits, which would have otherwise been payable to inmates without dependents in state correctional institutions, totaled \$13,748 in 1996 and \$11,356 in 1997. Revenues in the form of penalties against illegally uninsured employers are collected by the Division of Labor Standards Enforcement. Penalties totaled \$1,685,555 in 1996 and \$1,679,886 in 1997.

DWCs Legal Unit coordinates **c a r v e - o u t** implementation of an innovative **p r o g r a m s** 1993 law allowing large employers and groups of employers in the construction industry to establish, under a collective bargaining agreement, alternatives for workers' compensation benefit delivery and dispute resolution.

As of December 30, 1997, DWC issued letters of eligibility to the parties of 12 collective bargaining agreements. Eight of them are traditional agreements between unions and contractors, covering construction employees of the contractor on whatever project the employees might be working. Approximately 5,200 full-time employees were covered with a total payroll of \$272 million.

The other four agreements are project labor agreements, which cover all construction employees, regardless of the employer, who work at any time on the covered project. These are the Domenigoni Reservoir project in Riverside County, Los Vaqueros Reservoir project in Contra Costa County, Inland Feeder project of the Metropolitan Water District of Southern California, and National Ignition Facility at Lawrence Livermore Radiation Laboratory.

Following passage of hun- **l e g a l u n i t** dreds of pages of new law, DWCs Legal Unit produced new regulations to interpret and clarify the statutory intents of reform, and to eliminate obsolete regulations. The high pace of regulatory activity begun in 1994 continued through 1997 and into 1998.

The unit also considers requests by employers that the injured workers' physician be changed. During 1996 a total

of 345 petitions were filed for orders requiring an employee to select an employer-designated physician. DWC denied 48 petitions, dismissed 154, and granted 114. In 1997, 678 petitions were filed: 291 were denied, 268 dismissed, and 230 granted. Three were referred to the WCAB because the issues were not within DWC's authority to decide. The number of decisions exceeds the number of original filings because some of those dismissed are refiled.

Legal staff received and processed 2,961 requests for reconsideration of summary ratings in 1996. Of the total, 2,592 were denied, 825 were granted, 351 were closed when cases went before the WCAB, and 299 were pending at the end of the year. During 1997 the unit received and processed 2,095 requests for reconsideration of summary ratings, of which 1,198 were denied, 324 were granted, 242 were closed when cases went before the WCAB, and 927 were pending. The growing workload was addressed by added staff in 1997.

research and evaluation DWC's Research and Evaluation Unit assists in acquiring accurate, credible information on operation of the workers' compensation system, so that DWC's responsibilities under the law can be carried out. This unit also assists DIR policy makers, legislative staff, and the Commission on Health and Safety and Workers' Compensation for special studies and reports.

The unit helped redesign and publish a revised Official Medical Fee Schedule, managed the 24-hour health care pilot program, worked on development and analysis of an inpatient hospital fee schedule, assisted in evaluating carve-out programs, and worked with the Disability Evaluation Unit on consistency of disability ratings. Staff also began assembling a workers' comp research library and archive, and designed and put in place automated information services through a toll-free telephone number.

medical unit DWC's Medical Unit reviews applications from health care

organizations (HCOs) and certifies them for delivery of managed care services under California workers' compensation law. Established by 1993 reform legislation, the program allows employers and insurers to use cost-effective techniques in providing medical care to injured workers.

Three types of organizations are qualified to apply for HCO certification: pre-authorized full service Knox-Keene health care service plans licensed by the Department of Corporations, disability insurers licensed by the Department of Insurance, and Workers' Compensation Health Care Provider Organizations (WCHPOs).

In the first years of the managed care program, WCHPOs were required to obtain authorization from the California Department of Corporations before they could apply for HCO certification. As a result of legislation enacted during 1997, this review will be performed by the DWC Medical Unit as part of the certification process, thereby simplifying the process for applicants.

Eleven organizations are now certified HCOs. Four additional applications are currently in review.

The medical unit also:

- Assisted in developing utilization review standards, an element of the 1993 reforms which went into effect July 1, 1996. The regulations apply to workers' compensation insurers and self insured employers who opt to engage in case-by-case review of the medical treatment provided to injured employees in order to manage costs.
- Oversaw revision of the Official Medical Fee Schedule, which determines payments for medical services for injured workers, and development of a new fee schedule for inpatient hospital services.
- Conducted a patient satisfaction survey of injured workers in managed care programs.
- Advised the DWC administrative director on medical issues in the California workers' compensation system.

DIR Home Page
<http://www.dir.ca.gov>

- Information about the organization and function of WCAB
- Forms to begin action before WCAB

Solidifying the gains made by California workers and employers alike as a result of reforms to the states workers' compensation system has been a primary challenge for WCAB. The board's answer was to provide leadership in key legal decisions—summarized in this report—that guide the trial courts throughout the state.



WCAB members (from left): seated—Arlene Heath, Jane Wiegand, Colleen Casey standing—Robert Ruggles, Chair Douglas Moore Jr, Richard Gannon

Workers' Compensation Appeals Board (WCAB)

reviewing petitions for reconsideration of DWC decisions

The Workers' Compensation Appeals Board—comprised of seven members appointed by the Governor—exercises all judicial powers vested in it by the Labor Code. Its main functions are to review petitions for reconsideration of decisions made by the workers' compensation referees of the Division of Workers' Compensation, to actively participate in appellate proceedings before the district courts of appeal and supreme court, and to regulate the adjudication process by adopting rules of practice and procedure.

reducing litigation

Reducing litigation is the board's main ongoing objective. WCAB has raised its level of efficiency during a time of ever-increasing demand for its services. The board receives more than 6,000 petitions a year—yet decides 97 percent of them within 60 days.

Between 1995 and 1997 the board's case volume has grown by 25 percent—from 4,845 petitions in 1995 to 6,472 petitions in 1997—an increase due in part to issues from the reform legislation. WCAB meets the demand by:

- Working to lower the number of pending cases by more than 75 percent.
- Formulating procedures for expediting petitions through processing and disposition.
- Using new technology to increase its responsiveness to requests from all segments of the workers' compensation community.

During 1996-97, WCAB played a major role in clarifying the intent of the workers' compensation reform through legal decisions that:

- Tightened anti-fraud provisions (Miller).
- Defined the new "treating doctor" presumption (Minnear).
- Enforced the new "carve-out" programs which provide for speedy arbitration of some workers' comp cases involving parties to collective bargaining agreements (Becerra).
- Held that only limited circumstances still permit multiple medical exams (Gubbins).
- Determined the death benefit indemnity rate for payments to a decedent's dependents (Phillips, 1998).
- Determined the admissibility of medical reports obtained pursuant to DWC utilization review standards (Czarnecki, 1998).
- Defined a lawful, non-discriminatory, good faith personnel action under the Labor Code (Larch and Stockman, 1998).

The board also updated its Internet page describing its organization and function—and providing its en banc and panel decisions, Labor Code regulations, WCAB rules, and district office listing. The Web page links to the DIR home page for more information.



IMC Executive Medical Director
Allan MacKenzie

The magnitude and impact of the 1993 Workers' Compensation Reform Act signaled to the medical community that the California workers' compensation system was ready for change. The IMC has successfully completed all of its legislative mandates, assisting with the remarkable improvement in the medical component of the California workers' compensation system. Medical treatment guidelines for industrial injuries and most of the IMC publications and forms were added to the DIR Web page in 1997, and a new fax-on-demand system makes the IMC forms easy to obtain by physicians as well as injured workers.

DIR Home Page
<http://www.dir.ca.gov>

- Frequently asked questions: injured workers and physicians
- Forms for injured workers, QMEs, treating physicians
- QME information and regulations
- IMC committees and meeting calendar

Industrial Medical Council (IMC)

The Industrial Medical Council—comprised of 16 health care professionals appointed by the Governor and Legislature—regulates physicians, called Qualified Medical Evaluators (QMEs), who examine injured workers to evaluate disability and write medical-legal reports. The reports are used to determine an injured workers eligibility for workers' compensation benefits in California.

The IMC administers the QME competency exam, certifies qualified physicians to be QMEs, and holds QME disciplinary proceedings. The IMC also provides unrepresented injured workers with a QME panel, regulates QME advertising and continuing education courses, investigates complaints about QME misconduct, and advises DWC on medical fee schedules.

Since its 1990 inception, the IMC has certified 6,447 QMEs. In the interim, the Legislature added new eligibility requirements. By the end of 1997, approximately 4,500 QMEs were in active practice in California.

Legislatively directed to develop treatment guidelines for common industrial injuries, during 1996-97 the IMC obtained extensive input from the health care and workers' comp communities before adopting the final guideline text.

In 1996 IMC staff designed a review system for the QME report, checking for adherence to IMC disability evaluation guidelines and informing the physician of the review outcome. The IMC reviewed 558 reports in 1996 and 958 in 1997. Review results are reported to DWC and

to the physicians who wrote the reports.

The IMC Investigations Unit established a complaint hotline, 1-800-999-1041. Between July 1996 and June 1997: 1,004 complaints were logged into the complaint-tracking data base, six IMC investigations were referred to prosecutors in six different counties, four IMC cases were referred to licensing boards or other agencies with jurisdiction, four QMEs were terminated, two QMEs were placed on probation, and two QMEs were suspended without probation.

The IMC met with other medical licensing agencies in the state to improve coordination of efforts to take action against physicians engaging in illegal or harmful conduct. During 1997, 610 new complaint cases were opened.

The IMC helped DWC obtain a broad base of public input on changes to the Official Medical Fee and Medical-legal Fee schedules. During 1996, two statewide public advisory committees representing major payer and provider organizations reviewed the text to make the fee schedules clearer, more user-friendly and equitable.

Communication and education are key to proper medical treatment and disability evaluation for injured workers. In 1997 the IMC hosted its first physicians seminar on working effectively as treating doctors in workers' compensation—which establishes a bench mark for continuing education courses.

**improving quality
of care for
injured workers**

DIR Home Page
<http://www.dir.ca.gov>

Forms:

- Private and public self insurers annual reports
- Private and public sector applications to self insure
- Application to administer workers' compensation self insurance claims
- Application for self insurance administrator's examination

SIP streamlined its application process by introducing a new 180-day interim certificate to provide for immediate self insurance coverage of subsidiaries or affiliates of employers that are already self insurers. SIP has adopted a shortened, three-page application form that will change those interim certificates into permanent ones. Several of SIP's most frequently requested forms are now accessible on the DIR home page to help save self insurers and claims adjusters both time and money. Following the cost-effective consolidation of the two field offices into the Sacramento headquarters, SIP field audit staff joined the ranks of many private sector employees who telecommute from their homes—while providing better and faster service to the self insured community.



SIP Manager Mark Ashcraft

Self Insurance Plans (SIP)

certifying employers to self insure for workers' comp

Within DIR's Office of the Director, Self Insurance Plans authorizes qualified employers to provide their own coverage for workers' compensation liabilities.

The Director of Industrial Relations is responsible for certifying public and private self insured employers, third-party claims adjusting agencies that oversee self insurance programs, and individual claims adjusters.

Private sector self insurers are required to post a security deposit, which is adjusted annually to cover liabilities, and to submit to SIP audits.

private & public sector self insurers

At the close of 1997, holders of the master Certificates of Consent to Self Insure for workers' compensation

liabilities totaled 424 in the private sector and 381 in the public sector.

An additional 1,830 public agencies were self insured as affiliated members of 75 joint powers authorities that function as group self insurers. No similar group self insurers have formed in the private sector, although groups

have been authorized since 1993.

In addition, 161 claims administration agencies were licensed by SIP to handle the claims of self insured employers.

Approximately four million California employees were covered by self insurance plans in 1997. Of this total, about 1.8 million worked for private sector companies and some 2.2 million were employed by public agencies.

SIP audits private self insurance programs on a three-year cycle. During 1996, 146 routine three-year audits were conducted and four special audits completed. In 1997, 156 routine three-year audits were conducted and 15 special audits completed. These audits are to ensure that the self insured workers' compensation liabilities were accurately reported to SIP for security deposit purposes.

Twice a year SIP conducts examinations for individual claims adjusters who wish to demonstrate their competence to administer the claims of a self insured employer. Of the 1,241 who took the self insurance administrators exam in 1996 and 1997, 728 passed.



CHSWC Executive Officer
Christine Baker

The independent commission is a forum for the mutual interests of diverse groups concerned with issues of workplace health and safety and workers' compensation. CHSWC contracts with researchers to take a new look at old problems and present findings based on analyses of hard data. The projects, studies, public conferences and fact-finding hearings have benefited immeasurably from the data, insight and expertise contributed by the workplace health and safety and workers' compensation communities—which are essential to tackling the tough problems threatening the optimum operation of systems vital to California workers and employers.

DIR Home Page
<http://www.dir.ca.gov>

- Annual reports
- Project reports—vocational rehabilitation, medical-legal, injured worker, anti-fraud
- Grant product catalog
- Training courses—links to colleges/universities
- Public meeting notices
- Commission member list

Commission on Health & Safety & Workers' Compensation (CHSWC)

The Commission on Health and Safety and Workers' Compensation—comprised of eight members appointed by the Governor and Legislature—studies the workplace health and safety and workers' compensation systems in California and recommends changes to improve them. CHSWC has been evaluating the impact of the 1993 workers' compensation reform legislation on workplace injury and illness prevention, and on every aspect of workers' compensation.

injured workers information services “Navigating the California Workers' Compensation System: The Injured Worker's Experience” was published by CHSWC in July 1996. Discovering a need for employee information that fully explains their rights and responsibilities under the workers' compensation system, the commission initiated development of brochures and a video to be distributed by employers, insurers, labor unions, injured worker groups and other organizations.

v o c a t i o n a l rehabilitation reform The CHSWC Vocational Rehabilitation Reform Study, an interim report issued in July 1997, evaluates reform legislation impact on the vocational rehabilitation system, workloads for Division of Workers' Compensation (DWC) rehabilitation consultants, dispute resolution caseloads in the DWC Rehabilitation Unit, and Workers' Compensation Appeals Board caseloads.

medical-legal Reports of the CHSWC Medical-legal Evaluation Study were issued

in July 1996 and July 1997. The study is finding that both the costs and frequency of medical-legal evaluations have declined dramatically since legislative reforms restricted the number and lowered the cost of medical-legal evaluations for settling disputed compensation issues, initiated Qualified Medical Evaluator (QME) certification, and gave the treating physicians reports more importance in dispute resolution.

Incomplete physician reports were cited as contributing to inconsistency in permanent disability ratings. CHSWC contracted with the University of California at Berkeley to analyze the problem and recommend ways to improve the quality of medical reports for disability evaluations.

Rating and compensating injured workers for total or partial permanent disability impacts the adequacy of their benefits and return to gainful employment, as well as DWC's adjudication system and cost of workers' compensation to employers. Urged at its previous fact-finding hearing to study California's workers' compensation permanent disability benefit structure, CHSWC contracted with the independent research organization RAND in 1996 for the study.

In November 1997 the commission held a public forum for the workers' comp community to comment on findings and recommendations of the RAND report.

examining systems for workers' comp and injury/illness prevention

physician reports

permanent disability

CHSWC is working with advisory committees to recommend legislative/administrative changes to the permanent disability system.

w o r k e r s ' compensation fraud

In 1997 CHSWC held a public fact-finding hearing on workers' compensation anti-fraud activities and issued a report of findings and recommendations from that hearing. One issue raised—which the commission subsequently initiated a project to explore—is employers who are illegally uninsured for workers' compensation.

Employers without coverage impose a burden on injured workers, on employers who comply with workers' compensation insurance requirements, and on California taxpayers. CHSWC, through the Department of Industrial Relations, is working with the Workers' Compensation Insurance Rating Bureau and the Employment Development Department to identify and bring into compliance employers lacking workers' compensation coverage for their employees.

y o u n g w o r k e r health and safety

Supporting prevention of work injuries and illnesses, the commission is focusing on the health and safety of young workers. CHSWC funds the California Study Group on Young Worker Health and Safety, which deals with California youth employment and education.

The commission also contracted with UCLA to develop a classroom video and discussion guide educating students on how to identify health and safety hazards at their jobs and understanding their rights and responsibilities under Cal/OSHA and the states child labor laws.

The reform legislation enables authorized parties to agree, through collective bargaining, to alternative methods for resolving workers' compensation claim disputes. CHSWC is studying such "carve-out" programs in California, conducting interviews with unions, employers, program administrators, workers who have incurred claims, and service delivery providers engaged by the program.

CHSWC implemented an ongoing project, Profile of DWC District Office Operations, designed to give insight and knowledge in problematic areas.

A Division of Occupational Safety and Health program targeting high-hazard employers for consultations and inspections, mandated by the reform legislation and funded by assessments on employers with higher than average workers' compensation costs, is scheduled for repeal on January 1, 1999. CHSWC will hold a public hearing/open forum before the programs repeal for discussing its operation and effectiveness.

The commission maintains a comprehensive listing on the Internet of workplace health and safety and workers' compensation courses. The data base is a public service and is updated periodically.

In April 1996 the commission hosted "Challenges in California Workers' Compensation: A Symposium," which brought together leaders throughout the country to identify successful programs and propose solutions in the areas of workers' compensation and workplace safety and health.



California Occupational Safety & Health Program

The Department of Industrial Relations (DIR) has administered the Cal/OSHA program since 1973 when California's plan was approved under terms of the Federal Occupational Safety and Health Act. As California's designee, the Director of Industrial Relations heads the state's workplace safety and health program. Major units include the:

- Division of Occupational Safety and Health (DOSH)—enforces workplace safety and health regulations.

- Cal/OSHA Consultation Service (within DOSH)—offers free training and consultation to assist both employers and their employees in complying with workplace safety and health regulations.

- Occupational Safety and Health Standards Board—adopts, amends and repeals the standards and regulations.

- Occupational Safety and Health Appeals Board—hears appeals regarding Cal/OSHA enforcement actions.

In addition, the Hazard Evaluation System and Information Service (HESIS) is administered by DIR and the

Department of Health Services as an information resource and early warning system.

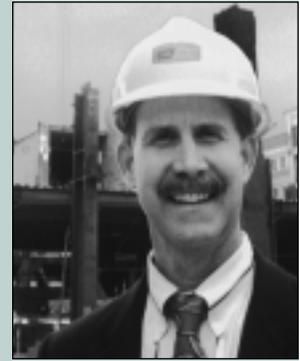
Expenditures for administering the Cal/OSHA program during fiscal years 1995-96 and 1996-97 approached \$75 million, with the state and federal OSHA each providing about 50 percent of the funding. Under federal law, 90 percent of the funding for \$8.1 million in 1996 and 1997 contracts with the Cal/OSHA Consultation Service was provided by the federal government.

Some DOSH responsibilities are mandated by state law only, and do not receive federal funds: •certifying employers and consultants involved in asbestos-related work, •issuing permits for operation of elevators and aerial passenger tramways and for portable amusement rides including bungee jumping, •inspecting mines, tanks and boilers, and •certifying loss control services of workers' compensation carriers.

DIR Home Page
<http://www.dir.ca.gov>

- Title 8 workplace safety and health standards
- Certified asbestos consultants and site surveillance technicians
- 1998 report: loss control consultation certification and targeted inspection/consultation programs
- Safety and health resources

California has outpaced the nation in reduced workplace injuries and illnesses—the 19 percent drop nationwide is surpassed by the dramatic decline of 31 percent fewer injuries and illnesses requiring time off the job in every industry in California. This steadily downward trend in job injury/illness rates since 1991—see table on page 39—reflects the dedicated prevention efforts of employers and their employees, and the strong commitment of DOSH to safety and health in the work environment. DOSH targeted inspection and consultation, high hazard and loss control programs aim at reducing preventable workplace injuries and illnesses—these programs already show marked success.



DOSH Chief John Howard

Division of Occupational Safety & Health (DOSH)

ensuring safe and healthful working conditions on the job

The Division of Occupational Safety and Health works to ensure safety and health on the job—through standards enforcement, assistance to employers, research, and training programs. In addition to scheduled inspections of high-risk businesses, DOSH investigates worksite fatalities, serious injuries or illnesses, and complaints about workplace hazards.

compliance inspections

During 1996-97 DOSH staff conducted 13,560 safety and 5,149 health inspections—covering 4,680,614 workers—the majority of the inspections in response to employee complaints. Scheduled and follow-up inspections, accident investigations and referrals prompted the remainder.

DOSH issued citations for 10,557 serious violations and 33,199 violations not considered serious. Total proposed penalties exceeded \$22 million.

With the Targeted Industries Partnership Program, DOSH was involved in 1,305 surprise enforcement actions during 1996-97 in the California agriculture and garment manufacturing sectors.

DOSH unit inspections

The DOSH Mining and Tunneling Unit conducted 1,082 mine and tunnel inspections—affecting 19,382 employees—during 1996-97. A total of 531 pre-job safety conferences were conducted at hazardous underground operations, and 1,172 tunnels and mines were evaluated and classified as

to flammable gas hazards. In the certification program, 787 blasters were licensed by examination and 197 gas testers and 108 safety representatives certified. The staff's safety and health training for the mineral industry is assisted by a grant from the federal Mine Safety and Health Administration.

From July 1995 through 1997 the DOSH Elevator, Ride and Tramway Unit staff inspected 102,940 elevators, 1,660 amusement rides and 2,296 aerial passenger tramways.

During fiscal year 1996-97 the DOSH Pressure Vessel Unit inspected 19,654 boilers, air tanks and propane tanks, and performed 2,826 shop inspections to ascertain whether the pressure vessels were fabricated according to the American Society of Mechanical Engineers standards. Staff also conducted 4,235 special inspections, consultations and accident investigations.

Employers who received targeted consultation assistance or a targeted inspection by DOSH during 1996-97 saw marked improvement in their workplace injury and illness incidence rates, as well as their workers' comp loss indicators.

In lost workday injury/illness cases, the incidence rate decreased 24 percent for targeted consultation employers, 19 percent for targeted inspection employers—the average decrease for other California employers was 7 percent. Targeted employers saw significant reductions in other injury and illness categories, such as recordable case and



musculoskeletal severity incidence rates.

A workplace ergonomics issue, repetitive motion and back injury claims make up the largest proportion of the workers' comp insurance claims that are the most costly. In conjunction with the repetitive motion injury ergonomics standard adopted by the Cal/OSHA Standards Board, the DOSH targeted consultation program emphasizes prevention of repetitive motion and back injuries.

In addition, targeted employers experienced reductions in workers' compensation loss indicators, such as the number of workers' comp claims made, medical and disability costs in dollars for claims paid, and experience modification rating.

Employers showing the highest incidence of preventable workplace injuries and illnesses, and of workers' compensation losses, must be given DOSH priority for compliance inspection and consultation services.

high hazard unit During 1996-97 the DOSH High Hazard Unit conducted 743

comprehensive inspections of high-hazard companies in the 17 most hazardous industries in California. Violations totaled 3,033, of which 1,144 were serious. The ratio of violations per inspection was 4.1 and the rate of serious violations was 37.7 percent.

Building on its success with special emphasis programs in electroplating and fall injury prevention, the unit developed a special emphasis program for lead in the construction industry. Exposure to lead, a cumulative and persistent toxic substance, is controlled by good work practices and engineering controls to minimize employee exposure and to prevent taking lead-contaminated dust home to the workers' families.

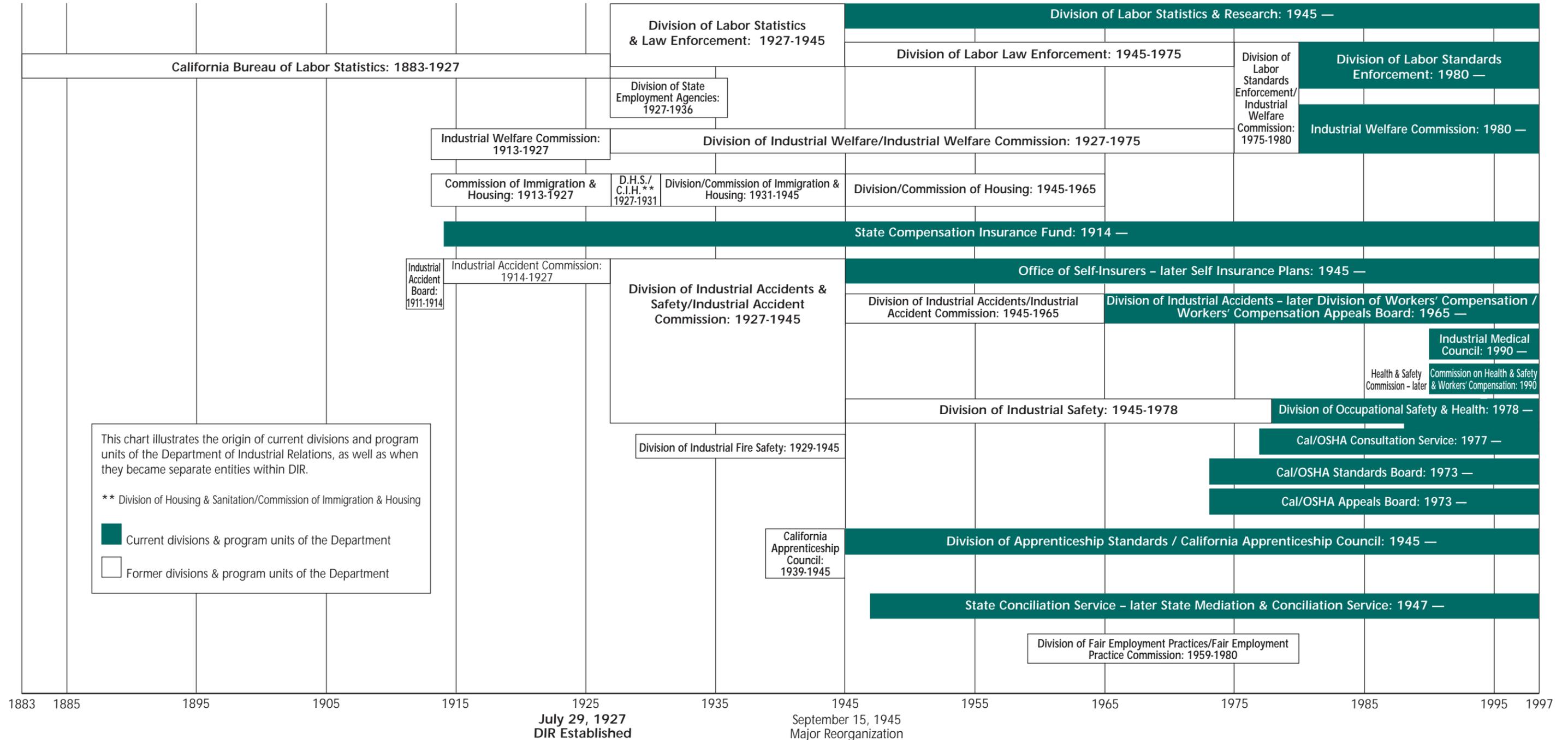
Fatalities from violence in the workplace have declined measurably—from 245 in 1993 to 172 in 1996—a decrease of 30 percent, while total workplace fatalities decreased 10 percent.

Employers at risk of robberies or other violent assaults
(Continued on page 30)

**w o r k p l a c e
s e c u r i t y**



Over a century of service to the people of California



must address workplace security in their injury and illness prevention program, and can use as a resource the DOSH publications on workplace security, consultation on hazard assessment, assault investigation, and workplace security training.

Of the 170 worksite inspections conducted by DOSH in response to violent events, 132 involved injury or death. Most of these inspections were in retail and health care workplaces, followed by service, security, manufacturing, and bar/restaurant businesses.

loss control unit The DOSH Loss Control Unit has certified or recertified more than 100 insurer groups and 250 carriers. During 1996-97, staff evaluated annual loss control plans of approximately 40 percent of the carrier groups to determine the effectiveness of service plans certified. No carrier has had its certification revoked for failure to deliver its mandated loss control services, which must evaluate the employers workplace hazards, first aid and post-injury response, training and communication effectiveness, and adequacy of the state-required injury and illness prevention program.

Under the 1993 legislative reforms, workers' compensation carriers must provide loss control services without charge to employers, and submit to DOSH an annual loss control plan that identifies policyholders with the greatest losses and most preventable safety and health hazards. Unit staff meet regularly with representatives of insurers, employers and organized labor to facilitate understanding of the certification and evaluation processes.

legal unit Resulting from increased civil penalties, the number of Cal/OSHA appeals increased three-fold before declining 14 percent in 1996. The DOSH Legal Unit staff represented DOSH in complex cases before the Occupational Safety and Health Appeals Board (OSHAB), and in court cases judicially challenging DOSH enforcement actions. Staff succeeded in preserving initially favorable rulings in a majority of the reconsideration cases arising out of OSHAB decisions.

DOSH legal staff played a lead role in:

- Responding to challenges to the hazard communication standard and incorporating Proposition 65, which required public posting and notification of hazardous materials, including review of labeling and material safety data sheet forms.
- Finalizing regulations for the reporting time frame for a workplace fatality or serious injury or illness.
- Amending regulations for repeat field sanitation violations.
- Developing workplace ergonomics informational materials.
- Conferences and seminars concerning Cal/OSHA enforcement issues, workplace ergonomics and tuberculosis.

Cases referred for prosecution by the DOSH Bureau of Investigations totaled 65 in 1996 and 52 in 1997, continuing its upward trend of increasing numbers of case referrals. Cases filed by the prosecuting authorities numbered 21 in 1996 and 16 in 1997. Bureau staff work closely with district and city attorneys during their investigations and case referrals.

The DOSH Research and Standards Unit drafts and reviews workplace safety and health regulations to be proposed to the Occupational Safety and Health Standards Board (OSHSB), and prepares technical reviews of petitions and variances submitted to OSHSB.

Regulatory changes respond to changes in state law or federal OSHA regulations, court decisions, and new information on safety and health hazards in the workplace. During 1996-97 changes were undertaken in:

- Hazard communication standard—labeling requirements revised.
- Asbestos in construction—revised to conform with new/revised federal OSHA regulations and comply with state statute for DOSH approval of trainers.



- Lead in construction—revised to comply with state statute requiring Department of Health Services approval of training lead abatement workers and supervisors performing work in selected venues.
- Reporting requirement—revised to conform with federal OSHA regulation of reporting worksite fatalities within eight hours of occurrence.
- Advisory committees—conducted for airborne contaminants, lead in general industry, proposed approval of asbestos trainers and asbestos cement pipe trainers.

**bloodborne
pathogens**

The Cal/OSHA bloodborne pathogen standard is designed to prevent on-the-job transmission of

bloodborne diseases such as hepatitis and the HIV virus causing AIDS. DOSH issued more than 700 citations for bloodborne pathogen violations during 1996-97.

Attuned to simplifying its procedures, DOSH responded to contractor requests to streamline their annual permit renewals by initiating a system for renewing permits by mail. This centralization has so far saved an estimated 3,000 hours of contractors' time and 2,000 hours of district office clerical time in just three years.

Cal/OSHA adopted an innovative policy regulating temporary help agencies and employee leasing companies—primary employers—that provide employees to work under

**permit
renewal by mail**

dual employer policy



supervision and control of another company—the secondary employer. The policy concerns safety and health hazards when the employee is working at the secondary worksite. If the primary employer makes sure that the employee receives required training and personal protective equipment and is covered by an injury/illness prevention program, and does not supervise the employees work at the secondary site, then the primary employer is not generally held liable for violations exposing the employee to hazards at the secondary worksite.

process safety Unexpected releases of toxic, reactive, or flammable liquids and gases in processes involving highly hazardous substances have been reported for many years and continue to occur—in small industries as well as refineries.

The Cal/OSHA process safety management standard

requires process hazard analysis, a careful review by employers and their employees of what could go wrong and what safeguards must be in place to prevent releases of hazardous substances in the workplace.

The Hazard Evaluation System and Information Service (HESIS) **H E S I S**

responded to more than 315 inquiries regarding some 660 chemicals and physical agents during fiscal year 1996-97, and distributed more than 5,000 publications.

In addition to helping DOSH develop training, draft safety and health standards, prepare fact sheets and analyze pending legislation, HESIS investigated transmission of tuberculosis among state prison employees and provided technical assistance to the DOSH Medical Unit on indoor air complaints, lead, and emerging infectious diseases including tuberculosis.



Cal/OSHA Consultation Service Manager Dave Bare

California employers and their employees have a free, confidential and non-adversarial resource for their jobsite safety and health needs: the Consultation Service, whose objective is to work cooperatively with industry, labor and safety and health organizations to lower workplace injury, illness and workers' compensation rates. Consultation Service staff give compliance assistance, help improve injury and illness prevention programs, conduct seminars, and distribute an extensive list of published information. A 1998 pilot program—the first of its kind in the nation—will recognize and certify construction contractors who have maintained exemplary safety and health performance on the job.

DIR Home Page
<http://www.dir.ca.gov>

- Users Guide to Cal/OSHA
- On-site Cal/OSHA Consultation at Your Workplace
- Worksite injury and illness prevention guides and model programs, fact sheets
- Publications list and order form

Cal/OSHA Consultation Service

Committed to working with industry and labor to assure safe and healthful working conditions, the Consultation Service emphasizes:

- Employer and employee assistance.
- Outreach programs that educate employers and employees and encourage job safety and health.
- State and national recognition of employer achievements in workplace safety and health.
- Positive incentives for employers to improve safety and health on the job.

recognition & incentive program The **California Voluntary Protection Program** (Cal/VPP) recognizes worksites with safety and health programs that have achieved true excellence in reducing workplace hazards. Initiated in California, the concept was adopted by the federal government and is now successful nationwide with the enthusiastic support of management and labor alike.

Cal/VPP candidates who achieve Cal/Star status are removed from scheduled inspection lists. Cal/Star members must have injury and illness rates well below the industry average and demonstrate an extraordinary commitment to worksite safety and health.

employer & employee assistance During 1996-97 the Consultation Service staff logged more than 5,300 on-site visits and 192,000 office and phone consultations. On-site visits emphasize injury and illness prevention program assistance—the goal

is to help employers in their efforts to become self-sufficient concerning workplace safety and health.

working with industry and labor to reduce workplace hazards

The Consultation Service is separate and distinct from enforcement operations of the Division of Occupational Safety and Health. Consultants do not take part in enforcement activities.

All communications between the employer and consultation staff are held in confidence and not shared with enforcement staff. On-site consultation visits will not result in citations or penalties from the Consultation Service.

Consultants presented educational and information seminars **outreach services** on a diverse range of subjects, including ergonomics, fall injury prevention, and the high hazard employer program. More than 5,500 employers and 1,150 employees attended outreach sessions during 1996-97—the employers represent an estimated 286,000 employees.

The Consultation Service assesses areas of need and works with employers, labor organizations, insurance companies and educational institutions to address them. Materials available from the Consultation Service range from model programs and information brochures to training videos. Recent additions are the back injury prevention guide for health care workers and the farm labor contractors guide. Forthcoming are guides on materials handling and other ergonomic problems in the workplace.

DIR Home Page
<http://www.dir.ca.gov>

- Title 8 workplace safety and health standards
- Standards Boards Role and Responsibilities
- Petition information
- Variance procedures
- Public hearing notices
- Activities calendars
- Ergonomics update
- Board member roster

OSHSB regulatory reform efforts continue to simplify the regulations without compromising California's leadership in workplace safety and health. Effective July 1997, OSHSB ergonomics standards to minimize repetitive motion injuries became the first of their kind in the nation. Access the board's activities via the Internet.



OSHSB (from left): seated—Member Sopac Tompkins, Executive Officer John MacLeod, Chair Jere Ingram, Member Gwendolyn Berman standing—Members John Foster, James Smith, William Jackson, Kenneth Young

Occupational Safety & Health Standards Board (OSHSB)

setting workplace standards within Cal/OSHA program

The Occupational Safety and Health Standards Board—comprised of seven members appointed by the

Governor—is required to adopt reasonable and enforceable standards at least as effective as those adopted by federal OSHA.

The board further protects the safety and health of workers by adopting additional orders when no comparable federal standards apply. Pending development of a permanent standard, emergency regulations may be adopted to take immediate effect where employees are exposed to hazards or life-threatening danger.

California's standards for workplace safety and health are in the California Code of Regulations, Title 8, Industrial Relations—now available on the DIR home page in a searchable format.

During 1996-97, 48 standards were proposed. The board adopted 49 standards, which include proposals carried over from previous years. In addition to the first standard in the nation intended to reduce repetitive motion injuries, they cover:

- Safety issues such as fall injury prevention, explosives in blasting operations, liquefied petroleum gas systems, explosives and pyrotechnics, labeling injurious substances, accident prevention signs and tags, warning garments for flaggers, rubber gloving voltages over 7,500.

- Health issues such as lead in construction, asbestos, cadmium, butadiene, methylene chloride, asbestos-related work.

The board continues its regulatory reform work to streamline the more than 3,000 workplace safety and health regulations in Title 8. Other matters pending before OSHSB include regulations for agricultural equipment, revisions to the explosives reorganization, and standards for window cleaning concerning controlled descent apparatus, counter-weighted outrigger beams and operating procedures.

OSHSB may grant a permanent variance requested by an employer from a workplace safety or health regulation only when the applicant has demonstrated by a preponderance of evidence that the alternative measures provide equal or superior protection for workers. Anyone adversely affected by a decision to grant or deny a temporary variance from a safety or health regulation may seek relief from the board.

During 1996-97, the board docketed 296 variance applications, and granted 183 permanent variances. In November 1997 OSHSB established a quicker process for variance applications.

Those seeking regulatory changes may petition the board verbally or in writing, and OSHSB has six months following receipt of a petition to report its decision. During 1996-97 the board received 14 petitions, of which 12 were granted.

The public may ask to take part in standards development as members of advisory committees, and may comment on proposed, new or revised standards at the board's public meetings. OSHSB has expanded these monthly meetings to include a speaker segment on workplace safety and health issues.



OSHAB (from left): Executive Officer Janet Eagan, Member Bill Duplissea, Chair James Gazdecki, Member Bryan Carver

Adhering to its core values of fairness, justice, customer service and teamwork, OSHAB has carried out important reforms designed to reduce the time for decisions to be rendered on appeals, and to improve the clarity and accessibility of its written decisions.

DIR Home Page
<http://www.dir.ca.gov>

- Overview of OSHAB appeal process
- Decision summaries
- Meeting notices

Occupational Safety & Health Appeals Board (OSHAB)

The Occupational Safety and Health Appeals Board—comprised of three members appointed by the Governor—functions independently from the Division of Occupational Safety and Health (DOSH). Generally an employer served with a citation, special order, or notice of proposed penalty may appeal to the board to contest workplace safety and health violations alleged by DOSH, as well as the abatement requirements, amount of proposed penalties, and reasonableness of changes required by DOSH. The employer's appeal must be initiated within 15 working days by mail, phone or fax.

OSHAB appeal procedures are designed for employers to represent themselves, although some are represented by legal counsel, particularly when an appeal involves large penalties.

The board docketed 4,167 appeals in 1996 and 3,623 in 1997. Appeals disposed totaled 4,020 in 1996 and 4,531 in 1997. Because of its telephone prehearing conference system, about 50 percent of OSHAB appeals are now resolved by administrative law judges (ALJs) without the necessity of formal hearings.

As part of its reforms designed to make the appeal process more efficient and to provide concise and accessible written decisions, during 1996-97 OSHAB made the following changes:

- At the time an appeal is docketed, an ALJ is assigned to handle it through the prehearing stage. This vertical case management promotes greater efficiency and

accountability to move cases along toward more timely and just dispositions.

hearing employer appeals from DOSH enforcement actions

- The average time for reviewing proposed settlements was reduced from three or four months to under 30 days.
- Formats for written decisions and orders were revised to improve their readability.
- The board began receiving oral argument in appeals that raise landmark issues of public policy, helpful to its deliberations.

OSHAB employs experienced attorneys as ALJs to conduct the first tier of the appeal process, which may include an evidentiary hearing on the disputed issues.

For appeals that require a hearing, the location of the hearing is set as near as practicable to the site where the violation is alleged to have occurred.

Within 30 days after serving the final order or decision of an ALJ, an aggrieved party may file a petition for reconsideration with OSHAB.

Within 30 days of service of the board-issued decision after reconsideration, an aggrieved party may file a petition for an administrative writ in superior court.

A 1997 survey of those who appeared before OSHAB shows high approval of the board's operations—that the administrative law judges handled the appeals in a professional manner and that they received impartial and intelligent consideration of their appeals.

DIR Home Page
<http://www.dir.ca.gov>

- Division of Apprenticeship Standards and California Apprenticeship Council legislative report
- Title 8 California Apprenticeship Council regulations
- Dillingham case information

California's apprenticeship system is potentially a highly effective means for transitioning welfare recipients from dependency to self-sufficiency as part of the Governor's Welfare-to-Work initiative. Apprenticeship training approved and monitored by DAS is employer driven, and designed to meet real labor market needs. DAS signed a memorandum of understanding with the Employment Development Department for pilot programs conducted through high schools and aimed at welfare recipients to help them become employable. The matrix of mastering skills and interaction with responsible adults provides a viable option to dependency: the self-sufficiency learned through apprenticeship training.



DAS Chief Diana Marshall

Division of Apprenticeship Standards (DAS)

promoting and developing apprenticeship training

The Division of Apprenticeship Standards administers California apprenticeship law and enforces apprenticeship standards for wages, hours, working conditions and the specific skills required for state certification as a journey-person in an apprenticeable occupation. DAS consults with program sponsors and monitors programs to ensure high standards for on-the-job training and supplemental classroom instruction. DAS also promotes apprenticeship training through presentations at career days, meetings and job fairs throughout the state.

The California apprenticeship training system is a unique partnership between industry, education and government. Industry funded and industry driven, the apprenticeship system provides an effective balance between learning by doing and theoretical instruction—developing workers with marketable skills.

Leading the country with 49,468 apprentices registered in more than 1,100 programs recognized by DAS, totals increased steadily over the last five years, and the percentage of minorities participating in apprenticeship programs shows the most growth.

Under a federal contract with the U.S. Department of Veterans Affairs, DAS also approves employer training for veterans and monitors the programs to ensure that veterans receive the educational benefits to which they are entitled.

Expanding the apprenticeship concept beyond its traditional forms and participants, the DAS School-to-Career/Apprenticeship program launched seven pilots in 1996 at high schools throughout California.

Through partnering with schools and the business community, students are offered a proven career training system, and businesses gain access to a work force of energetic, motivated young people. The DAS School-to-Career/Apprenticeship program links the education system and industry while encouraging students to stay in school and graduate.

Unlike most work experience programs for students, all on-the-job training is paid, and the agreement with the employer is a commitment to continued employment and training upon the students graduation. The signed apprenticeship agreement outlines job training to be provided by the employer and by the school. Career fields

school-to-career/ apprenticeship

Apprentices	1993	1994	1995	1996	1997
Total	35,685	38,768	41,360	46,172	49,468
Non-minority	19,965—55.9%	20,861—53.8%	21,612—52.3%	23,762—51.5%	24,960—50.5%
Minority	15,720—44.1%	17,907—46.2%	19,748—47.7%	22,410—48.5%	24,508—49.5%
Women	3,710—10.4%	4,103—10.6%	4,466—10.8%	5,222—11.3%	5,266—10.6%



targeted in the pilots include automotive repair, culinary, health, and manufacturing.

Though specific industries were targeted for each location, the pilots are free to expand linkage to other industries where there is support from local employers.

The key to the DAS School-to-Career/Apprenticeship program is expansion and change to meet the needs of industry without adversely affecting educational objectives. Also overseen by the California Apprenticeship Council, the program includes representatives from industry, labor and education. DAS aims to develop models for use in schools where there is interest and industry partnership.

apprenticeships for inmates DAS collaborates with the Department of Corrections and Youth Authority to establish apprenticeship training that helps inmates develop marketable skills enabling them to get jobs when released from the correctional facility. The inmate apprenticeship program

encourages sponsors to help inmates make the transition to life on the outside by accepting them into apprenticeship programs in the private sector.

In addition, individual institutions have internal inmate apprenticeship programs in several occupations—automotive repair, machinist, meat cutting, dry cleaning, printing, and upholstery. Inmates registered with DAS numbered 638 in 1996 and 595 in 1997.

DAS monitors and enforces **public works laws** compliance with California public works laws requiring employment of apprentices on public works projects. DAS received 131 public works apprentice enforcement complaints in 1996 and 141 in 1997.

In 1997 the U.S. Supreme **U.S. Supreme Court ruling** Court decision upheld California's policy requiring workers paid as apprentices on public works projects to be enrolled in state-approved apprenticeship programs. The ruling carries nationwide impact, allowing states to enforce their

apprenticeship standards for state public works, just as the federal government does for its public works.

The high court decision came in a case initially brought by Dillingham Construction. Dating back to 1988, the Dillingham case involved a public works project on which a subcontractor paid some of its workers below the mandated wage rates. Caught paying the lower rate, the subcontractor called the underpaid workers “apprentices.” However, the company had not received DAS approval for an apprenticeship program.

The decision won in a San Francisco federal district court in the case of Dillingham v. Department of Industrial Relations was overturned by the 9th Circuit Court of Appeals. When DIR petitioned the U.S. Supreme Court to reverse the appellate court ruling, part of its argument was that its longstanding policy limits the apprentice wage to apprentices in programs approved under the National Apprenticeship Act. The Supreme Court agreed.

The apprenticeship system of training is efficient and cost effective because it:

apprenticeship system

- Eliminates the need for expensive recruitment programs for people who are already trained.
- Creates a diversified and flexible work force and a larger pool of employees with specific, desired skills.
- Reduces the cost of high labor turnover—employees show high morale and loyalty when in a training program that offers upward mobility through career development.
- Increases productivity as employees in a structured training program are motivated to achieve.
- Adapts to include training of new skills as they become in demand by different segments of industry.
- Uses available public school facilities for the required related classroom instruction.

California Apprenticeship Council (CAC)

conducting business of apprenticeship in California

The California Apprenticeship Council—comprised of 14 members appointed by the Governor,

plus one representative each of the Director of Industrial Relations, the Chancellor of the California Community Colleges, and the Superintendent of Public Instruction—was established by the 1939 Shelley-Maloney Apprentice Labor Standards Act.

The chief of DAS serves as secretary to the council and DAS provides staff services.

In support of the Governor’s policy to streamline state regulatory processes, in 1996 the CAC’s Rules and Regulations Standing Committee began reviewing CAC regulations—in Title 8, Chapter 2, Part II and Part III—to simplify application procedures and approval of “Other On-the-job Training” and “Journeyman On-the-job Training” programs.

Regulation review continued in 1997, and the CAC accomplished considerable work on streamlining Part I, Apprenticeship.

The CAC holds open quarterly meetings to:

- Address issues affecting the apprenticeship system and conduct the business of apprenticeship in California.
- Provide policy advice on apprenticeship matters to the Director of Industrial Relations.
- Issue rules and regulations to carry out the intent of apprenticeship law.
- Ensure that selection procedures are impartially administered to applicant apprentices.
- Conduct appeals hearings in matters of apprentice agreement disputes, standards, and apprenticeship program administration.



DLSR Chief Dorothy Vuksich

Up-to-date prevailing wage information is Internet-accessible on the DIR home page—DLSR receives 60,000 prevailing wage inquiries annually. DLSR's prevailing wage seminars for awarding agency staff, who administer the approximately \$9 billion spent annually on public works, brought calls and letters of appreciation from attendees praising the seminars' value. Expanding on this success, more seminars are scheduled throughout the state for wider audiences. These seminars aim to improve understanding of the program by providing guidelines and other relevant information on prevailing wages.

DIR Home Page
<http://www.dir.ca.gov>

- Director's general prevailing wage determinations
- General prevailing wage apprentice schedules
- Fatal occupational injuries and illnesses in California, 1995-96
- California Consumer Price Index

Division of Labor Statistics & Research (DLSR)

Established in 1883 as the California Bureau of Labor Statistics, the Division of Labor Statistics and Research conducts research and publishes information on a variety of economic, employment and workplace safety and health subjects.

DLSR conducts an annual survey of workplace injuries and illnesses in cooperation with the U.S. Bureau of Labor Statistics, and participates in federal research on work-related fatalities nationwide. DLSR also computes and publishes the California Consumer Price Index, which is statistically measured from regional reports of the U.S. Bureau of Labor Statistics.

prevailing wages DLSR is responsible for determining the rate of prevailing wages on

public works projects. The California Labor Code requires that the prevailing rate of per diem wages

be paid to workers on public works projects costing more than \$1,000. The only exceptions are construction projects costing \$25,000 or less—and alteration, demolition, repair or maintenance projects costing no more than \$15,000.

In both cases, the awarding body must have an approved labor compliance program in place.

To determine prevailing wages, DLSR maintains files on collective bargaining agreements and conducts wage surveys. Staff routinely report construction industry wages to the Director of Industrial Relations, who makes approximately 8,500 prevailing wage determinations each year.

compiling and publishing labor information

Occupational Injury & Illness Incidence Rates Per 100 Full-time Employees Total Cases by Industry in California: 1991–1996

Industry	1991	1992	1993	1994	1995	1996
All Industries	9.9	9.8	9.0	8.6	7.9	7.1
Agriculture, Forestry, Fishing	11.7	12.1	11.3	9.6	9.2	8.9
Mining	8.1	8.1	6.0	5.6	5.8	5.7
Construction	14.8	15.1	13.2	12.0	10.8	10.3
Manufacturing	11.3	10.7	9.2	8.6	8.0	7.5
Transportation & Public Utilities	12.1	12.3	11.8	11.3	9.7	10.5
Wholesale Trade	9.2	8.7	8.3	8.1	8.3	5.8
Retail Trade	9.5	10.3	8.7	8.5	7.5	6.5
Finance, Insurance, Real Estate	3.8	4.1	4.0	4.0	3.8	3.5
Services	7.6	7.6	7.1	7.1	6.3	5.5
State & Local Governments	13.5	13.4	13.1	11.7	11.4	10.4

Source: Division of Labor Statistics and Research.

Determinations are mailed to more than 8,000 unions, contractors, public agencies and other interested parties. The director's general prevailing wage determinations are available to the public free of charge, and posted on the DIR home page on the Internet.

DLSR also advises the Director of Industrial Relations on legislative bills relating to public works, and with DIR legal staff prepares determinations of coverage that are issued project-by-project. DLSR has written regulations pertaining to the subjects of prevailing wages, wage determinations, petition to review, volunteer labor and labor compliance.

prevailing wage regulatory reform In January 1997 DIR adopted two regulatory changes to bring about prevailing wage reform:

- Modification of California Code of Regulations Title 8 sections to eliminate predetermined changes on public works projects advertised for bids on or after January 27.

- Modification of the definition of prevailing rate in Title 8 to establish a new definition so that when there is no single rate paid to a majority of workers, then the prevailing rate would be a weighted average—the new definition was not in the February 22 determinations.

On June 4, 1997 the regulatory changes were declared invalid by the Sacramento County Superior Court. Subject to legal challenge, the regulations are currently under court review. The state will calculate the

prevailing wage as it has for nearly half a century—using the modal rate when there is no majority rate—unless a higher court reverses the superior court decision.

Under the modified weighted average method, the prevailing wage rate is the rate paid to a majority of the workers or, if no single rate is paid a majority, a weighted average of all the rates is used.

Under the modal method, the most frequently occurring wage rate for a job classification in a county is considered the prevailing wage, taking no account of wages above and below that rate, even if they are paid to many more workers. By this method the wage rate under collective bargaining agreements often qualifies as the prevailing wage, even if significantly higher than the wages paid to a majority of workers in a locality.

DIR has estimated that changing the method for determining prevailing wage rates could save taxpayers up to \$200 million a year in state and local construction costs for public works projects.

Local governments have been able to bring about some prevailing wage reform. Chartered cities, governed by a constitution-like charter under which they create their own governing structure and adopt their own municipal regulations, can exempt themselves from prevailing wage requirements on municipally-funded projects, setting their own standardized wage rates for public works projects within the realm of municipal government.

Number & Percent Distribution of Fatal Occupational Injuries California 1995–1996

		1995		1996 *	
		Number	Percent	Number	Percent
* Figures for 1996 are preliminary, will be updated as new cases are determined to be work related.	Total	646		599	
	By Event or Exposure:				
	Assaults and violent acts	194	30.0%	172	28.7%
	Homicides	153	23.7%	148	24.7%
	Self-inflicted injury	39	6.0%	23	3.8%
	Transportation accidents	262	40.6%	252	42.1%
** Includes paid and unpaid family workers, may include owners of incorporated businesses or members of partnerships.	Contact with objects and equipment	66	10.2%	53	8.8%
	Falls	53	8.2%	58	9.7%
	Exposure to harmful substances or environments	52	8.0%	46	7.7%
	Fires and explosions	18	2.8%	13	2.2%
	By Selected Worker Characteristics:				
	Employment status —				
	Wage and salary workers	534	82.7%	472	78.8%
	Self employed **	112	17.3%	127	21.2%
*** Based on 1990 Occupational Classification System developed by U.S. Bureau of the Census.	Gender —				
	Men	590	91.3%	544	90.8%
	Women	56	8.7%	55	9.2%
	Age —				
	Under 25 years	51	7.9%	51	8.5%
	25 to 54 years	444	68.7%	420	70.1%
	55 years and older	127	19.7%	105	17.6%
**** Based on Standard Industrial Classification Manual, 1987 edition.	Ethnicity —				
	White	540	83.6%	477	79.6%
	Black	40	6.2%	41	6.8%
	Asian or Pacific Islander	51	7.9%	41	6.8%
	Other or unknown	12	1.9%	40	6.7%
	By Occupation: ***				
<u>Note:</u> Totals may include data for subcategories not shown separately. Percentages may not add to totals, due to rounding.	Managerial and professional specialty	91	14.1%	76	12.7%
	Technical, sales and administrative support	96	14.9%	92	15.4%
	Service	69	10.7%	66	11.0%
	Farming, forestry, fishing	64	9.9%	63	10.5%
	Precision production, craft, repair	93	14.4%	102	17.0%
	Operators, fabricators, laborers	205	31.7%	163	27.2%
	Military occupations	21	3.3%	24	4.0%
	By Industry: ****				
	Agriculture, forestry, fishing	64	9.9%	70	11.7%
	Mining	5	0.8%	9	1.5%
	Construction	79	12.2%	81	13.5%
	Manufacturing	51	7.9%	46	7.7%
	Transportation and public utilities	109	16.9%	82	13.7%
	Wholesale trade	28	4.3%	28	4.7%
	Retail trade	77	11.9%	82	13.7%
	Finance, insurance, real estate	20	3.1%	14	2.3%
	Services	109	16.9%	108	18.0%
	Government	98	15.2%	74	12.4%

Source: Division of Labor Statistics and Research with U.S. Bureau of Labor Statistics, Census of Fatal Occupational Injuries, 1995-96.

Labor Market Statistics

California's robust economic growth continued in 1996-97. By the end of 1997 a total of 521,100 new jobs were created, a 3.6 percent increase over the previous year. All sectors of the economy posted gains—including the 200 new mining jobs reversing a formerly declining trend.

The services sector maintained its lead in job creation, 160,100 new jobs or 31 percent of all the new 1997 jobs. New trade jobs totaled 83,000 and new jobs in transportation and public utilities numbered 82,700. The construction industry registered 48,400 new jobs in 1997, a 9.6 percent gain over the previous year.

weekly wages Average weekly earnings in communications and public utilities rose to \$910 in 1997—a \$58 increase over 1996, \$109 over 1995—the highest increase recorded in all industries.

The construction industry continued its major gains in weekly earnings, averaging \$803 in 1997, a \$29 increase over 1996. Heavy construction posted the highest increase, \$66 in 1996 and \$88 in 1997.

Other average 1997 weekly earnings were: manufacturing, \$554; wholesale trade, \$597; and retail trade, \$304, the lowest recorded increase in all industries. The mining industry showed average weekly earnings of \$805

in 1997, a \$37 increase over 1996 and \$35 over 1995.

The California Consumer Price Index (CPI) continues to record a **p r i c e s** lower increase than the U.S. average, posting a 2.0 percent increase for all urban consumers in 1996 and a 2.2 percent increase in 1997. The U.S. average was 3.0 percent in 1996, 2.3 percent in 1997.

The lowest increase in the California CPI came from the Los Angeles-Anaheim-Riverside area, 1.6 percent in 1997. This low percentage increase was offset by the higher increase of 3.4 percent in 1997 for the San Francisco-Oakland-San Jose area, raising the statewide average to 2.2 percent in 1997.

In the CPI expenditure category table, the U.S. city average for food and beverages showed a 1997 increase of 3.4 percent, the same as for the Los Angeles-Anaheim-Riverside increase in that category.

Housing increases of 5.2 percent in the San Francisco-Oakland-San Jose area were the highest in the state, and higher than the national increase of 2.8 percent in 1997.

As with the national average, transportation in California registered the lowest expenditure increase, less than 1.0 percent in 1997.

California Labor Market Data

	Annual Average 1996	Annual Average 1997	Percent Change 1996-1997
Civilian Labor Force	15,568,600	15,971,800	2.6%
Total Employment	14,444,400	14,965,500	3.6%
Total Unemployment	1,124,200	1,006,300	-10.5%
Nonagricultural Wage/Salary Workers	12,743,400	13,167,400	3.3%
Mining	29,200	29,400	0.7%
Construction	505,900	554,300	9.6%
Manufacturing	1,851,800	1,913,800	3.3%
Transportation & Public Utilities	641,800	662,500	3.2%
Trade	2,974,000	3,057,400	2.8%
Finance, Insurance, Real Estate	736,700	755,700	2.6%
Services	3,890,700	4,050,800	4.1%
Government	2,113,300	2,143,600	1.4%
Agricultural Wage/Salary Workers	408,300	429,000	5.1%

Source: Employment Development Department.

Annual Unemployment Rates

Year	United States	California	Differential
1987	6.2	5.8	-0.4
1988	5.5	5.3	-0.2
1989	5.3	5.1	-0.2
1990	5.5	5.6	0.1
1991	6.7	7.5	0.8
1992	7.4	9.1	1.7
1993	6.9	9.4	2.5
1994	6.1	8.6	2.5
1995	5.6	7.8	2.2
1996	7.2	7.2	0.0
1997	6.4	6.3	-0.1

Source: U.S. Bureau of Labor Statistics and Employment Development Department.

Consumer Price Index for All Urban Consumers by Expenditure Category Annual Percent Changes (APC) 1995–1997

	Los Angeles Anaheim Riverside APC		San Francisco Oakland San Jose APC		San Diego APC		U.S. City Average APC	
	1995 to 1996	1996 to 1997	1995 to 1996	1996 to 1997	1995 to 1996	1996 to 1997	1995 to 1996	1996 to 1997
All Items	1.9	1.6	2.3	3.4	2.6	1.7	3.0	2.4
Food & beverages	2.9	3.4	2.4	3.1	3.9	2.8	3.2	3.4
Food	2.9	3.5	2.4	3.1	3.2	2.7	3.3	3.4
Food at home	3.4	3.9	2.8	3.0	3.6	2.5	3.7	3.4
Food away from home	1.8	2.9	2.0	3.3	1.7	2.8	2.5	3.2
Alcoholic beverages	2.9	3.1	2.2	3.2	10.3	4.1	3.0	3.6
Housing	1.2	1.6	1.9	5.2	2.6	2.3	2.9	2.8
Shelter	1.5	1.8	3.1	5.8	4.0	2.8	3.2	3.1
Fuel & other utilities	-0.1	3.3	-3.6	4.6	0.9	2.9	3.1	3.2
Household furnishings & operations	1.1	-0.7	0.3	1.6	-2.0	-0.5	1.4	0.9
Apparel & upkeep	-0.6	-4.0	2.5	-0.7	-2.6	-2.9	-0.2	-1.4
Transportation	1.4	0.6	3.5	0.1	2.2	0.9	2.8	0.8
Private transportation	1.4	0.2	2.7	-0.2	2.5	0.7	2.7	0.6
Public transportation	1.2	3.0	7.1	1.3	0.3	2.5	3.4	2.4
Medical Care	3.2	1.4	2.6	3.4	5.3	2.2	3.5	3.1
Entertainment	3.2	1.2	0.4	-0.7	3.0	-1.1	3.4	0.8
Other goods & services	3.2	3.4	3.3	5.3	0.9	2.8	4.1	4.5

Source: U.S. Department of Labor, Bureau of Labor Statistics.

Consumer Price Index: All Urban Consumers

Year	California	Annual Percent Change	United States	Annual Percent Change
1987	116.6	4.1	113.6	3.6
1988	121.9	4.5	118.3	4.1
1989	128.0	5.0	124.0	4.8
1990	135.0	5.5	130.7	5.4
1991	140.6	4.1	136.2	4.2
1992	145.6	3.6	140.3	3.0
1993	149.4	2.6	144.5	3.0
1994	151.5	1.4	148.2	2.6
1995	154.0	1.7	152.4	2.8
1996	157.1	2.0	156.9	3.0
1997	160.5	2.2	160.5	2.3

Source: Division of Labor Statistics & Research and U.S. Bureau of Labor Statistics.

DIR Home Page
<http://www.dir.ca.gov>

- Information about the organization and function of SMCS

Whether in a big city transit system, public hospital or small elementary school, the strength of a labor-management relationship is built on the willingness and determination of all parties to work together. Its skilled mediators providing dispute settlement services and technical assistance, SMCS is on call to help avert or minimize the consequences of unresolved disagreements that may result in costly disruption of services to the public. With this opportunity comes the responsibility to guide the parties through the sometimes difficult process of closing a collective bargaining contract. By focusing the parties on problem areas only, SMCS mediators work through the dispute to prescribe the best possible resolution to issues that hold them apart.



SMCS Chief Peter Lujan

State Mediation & Conciliation Service (SMCS)

investigating and mediating labor disputes

Responsible for facilitating and promoting settlement of labor-management disputes, the State

Mediation and Conciliation Service investigates and mediates in both the public and private sectors.

SMCS jurisdiction extends to every labor dispute throughout the state, as long as a majority of the employees work within California. State laws also provide for SMCS dispute involvement with all forms of government and special districts, as well as public schools and higher education institutions, the agriculture industry, and public transit.

SMCS mediators experienced an active fiscal 1996-97 bargaining year, during which the service closed 1,706 cases involving contract negotiations, grievance mediations, and elections for employers and employees. The mediators held joint meetings, presided during negotiations, maintained close contact with the parties before and during their meeting process, and offered information and suggestions. Mediators are most often called upon for assistance in contract renewal situations.

Mediators are involved in a high percentage of cases that could lead to work stoppages. These cases are the most complex, sensitive and difficult of all labor negotiations. To avoid work stoppages, mediators hold sessions with the parties before the strike or lockout deadline.

A key area of SMCS responsibility is the public transportation systems serving California cities and counties. If an interruption would significantly disrupt public transit

and endanger the public's safety and welfare, mediators help facilitate a Board of Investigation into what is preventing the parties from reaching agreement. Mediators can then work with labor and management to avoid or minimize disruption of service.

SMCS recognizes the high level of independent responsibility of individual mediators, and that ongoing professional development is vital to dispute resolution success. While its mediators are recruited from the ranks of collective bargaining practitioners for their experience and education, further training seminars sharpen professional skills and supplement their mediation knowledge.

During 1996-97, SMCS mediators provided—and participated in—training for professional organizations of international, national, state and local agencies, in addition to schools, firefighter associations, and programs by organized labor. Mediators also provided training in mediation techniques to division staff within the Department of Industrial Relations, a cost-effective way to deliver the methodology needed by division staff to achieve success in their work.

SMCS is diversifying its negotiation techniques. In addition to traditional collective bargaining, mediators answer increased requests for interest-based bargaining, a current trend in the form of negotiations. Mediators can also eliminate some meeting and travel time through conducting certain required activities by phone and fax, thereby conducting elections more efficiently.



Office of the Director

legal counsel DIR lawyers advise the director and program managers on legal matters, and defend department decisions and policies in court or before state administrative tribunals. Over the past several years, both court appearances and recoveries for the state and its wage earners increased.

Of all the legal units' trials and hearings during the 1996-97 period, 32 cases were taken to or decided by state courts of appeal, and three more by the California Supreme Court.

Another three were in the federal court of appeals, and the U.S. Supreme Court ruled unanimously in DIRs favor in one case—described on page 37 of this biennial report.

legislative DIR's Legislative Affairs Unit is located in the director's Sacramento office and serves as liaison between the department, the Legislature and the public. Staff review more than 3,000 bills introduced annually in the Legislature and identify those that impact DIR programs.

Each year the unit compiles a report summarizing the new laws that affect the department or its constituency. Staff sponsor legislation to improve the effectiveness of DIR, represent the department at legislative hearings, and

respond to members of the Legislature regarding their constituent requests.

During 1996-97 the Legislative Affairs Unit monitored the introduction of several thousand bills and amendments, performing detailed analyses on the several hundred that ultimately would impact DIR.

The Public Information Office **public information** operates as DIR's press office and an information center for the public. Under the direction of the deputy director for communications, staff respond to written and telephone requests from the public, provide editorial services to DIRs divisions and units for producing public information materials, issue press releases and respond to media inquiries.

During 1996-97 the Public Information Office responded to more than 200 calls per month from news reporters seeking information on DIR initiatives and programs described in this biennial report. In addition, news releases to the print and broadcast media—both statewide and national—are now issued electronically and are posted on the DIR website for reference by journalists from around the world.

Much of the news release information was printed in newspapers and aired on news stations across the state, with many issues receiving national and international coverage.

Division of Administration



DIR Director John Duncan (left) and Larry Hoffart, Administration chief, celebrated with award-winning Accounting staff.

a c c o u n t i n g The Accounting Office provides support for DIR operations by processing more than \$200 million in payments and receipts annually.

New automated accounting subsystems facilitate processing and status reporting for DOSH civil penalties, targeted inspection assessments, elevator and pressure vessel inspection fees—as well as user fees for approved subscribers to the DWC EDEX program.

This office also processes and reports collection of more than \$25 million each year in fraud assessments from employers on behalf of the Department of Insurance.

Accounting staff prepare statements on DIR financial activities. For fiscal year 1996-97 the office received four “Awards for Achieving Excellence in Financial Reporting” from the State Controller.

b u d g e t The Budget Office prepares DIRs portion of the annual Governors budget and assists in determining the funding requirements attendant to implementing administration initiatives and new legislation. The office also monitors expenditures to ensure conformity with funding priorities of the Governor and Legislature.

The Business Management Office provides all of DIRs business support services statewide—including facilities, contracts, procurement, property, recycling, reproduction, telecommunications, warehousing, and mail services.

During fiscal year 1997-98, DIR staff were relocated in Long Beach and San Bernardino. The office is working with the Department of General Services to relocate DIR staff as a result of the scheduled closing of the Los Angeles State Building and opening of the new Oakland and San Francisco State Buildings.

The Personnel Office provides advisory and support services to DIR employees, facilitating personnel actions and employee relations matters in accordance with state regulations.

Ongoing activities include administering the state's classification plan and decentralized civil service examining program, representing DIR in negotiations with employee unions and in other matters relating to the state's collective bargaining process, preparing notices of formal disciplinary actions and other actions affecting employee status, and processing personnel employment and benefit transactions.

A major 1996-97 accomplishment of the Personnel Office is its new automated tracking system—the Position Action Request Tracking or PART system—that enables DIR units to receive quick, accurate responses to their personnel action requests for hiring and promotion. PART informs all involved parties of the status of each hiring or promotion request, and identifies factors that may cause delay.

The office also appointed workers' comp and return-to-work coordinators, who assist in curtailing the costs of job-related injuries by helping DIR employees return to work as soon as they can either perform their exact job duties or work with their jobs restructured to accommodate injury-related impairments.

**i n f o r m a t i o n
s y s t e m s** The Information Systems Office develops and maintains DIR's automated information systems and networks, and procures data processing equipment and software. It operates online and batch computing systems, provides training and technical support for DIR offices statewide, and manages the departments Internet and Intranet services.

The office also protects the security and integrity of DIR information systems and data.

New Information Systems services include:

- Making available regulations within its jurisdiction—in Title 8 of the California Code of Regulations—posted on the DIR website so that within each division directory the regulations can be queried by subject.

- Creating a DIR Intranet—a departmental network serving DIR employees with internal information. Intranet contents include department and state policies and procedures for purchasing and outside contracting, computer and software use, accounting and reporting; event calendars and summaries by division; listings of job openings and civil service examinations at DIR.

- Maintaining a DLSE licensing and registration website database that allows interested parties to query—by specific

categories—California's licensed farm labor contractors, certified studio teachers, licensed talent agencies, and registered garment manufacturers/contractors.

- Providing technical design for the Workers' Compensation Information System (WCIS) that allows for electronic receipt of First Reports of Injury and Benefit Notice documents for workers' compensation cases.

WCIS will incorporate substantial capacity for statistical analysis of workplace injury and workers' compensation benefit data, rendering more efficient DWC audit and enforcement of benefit payments to injured workers.

- In accordance with the Governor's Executive Order W-163-97, providing DIRs detailed Y2K plan for essential systems to be Year 2000-compliant by December 31, 1998.

- Cultivating new DIR systems.

- Adding considerable functionality to the SIP management system.

- Within the DLSE integrated information system, completing the garment manufacturer registration portion of the licensing and registration case management subsystem.

- Substantially completing the complex DOSH pressure vessel tracking system.

- Beginning the analysis phase for redesign and expansion of the OSHAB case management system.

- Upgrading the DAS apprenticeship information system for quicker data processing and retrieval on registered apprenticeship programs.

- Managing a major conversion of DWCs disability evaluation and claims systems to a new central computing platform at Teale Data Center.

- Developing a case tracking application for the Office of Director's Legal Unit.

- Developing integrated systems to facilitate payment entry, account tracking and reconciliation of penalties and assessments which fund the DWC/Department of Insurance workers' comp fraud program.

DIR Offices Statewide

Department of Industrial Relations _____

Office of the Director

415-972-8835

45 Fremont St, Suite 3270 • San Francisco, CA 94105

Division of Labor Standards Enforcement (DLSE) _____

Bureau of Field Enforcement (BOFE) and Legal Section

For information and assistance

24 hours a day, 7 days a week, call:

from Santa Rosa area—**707-445-9067**

from Sacramento area—**916-323-4920**

from San Francisco area—**415-557-7878**

from Los Angeles area—**213-620-6330**

from San Diego area—**619-467-3002**

Garment Hotline—toll-free 1-800-803-6650

Farm Worker Hotline—toll-free 1-800-733-3899

Headquarters—San Francisco: 415-975-2080

45 Fremont St, Suite 3250 • CA 94105

Bakersfield: 805-395-2710

BOFE 805-395-2582

5555 California Ave, Suite 200 • CA 93309

El Centro: 213-620-6330

BOFE 760-353-0607

P.O. Box 1761 • CA 92243

Eureka: 707-445-9067

619 Second St, Room 109 • CA 95501

Fresno: 209-248-8400

BOFE 209-248-8410

Legal Section 209-248-8406

770 E. Shaw Ave, Suite 315 • CA 93710

Long Beach: 213-620-6330

BOFE 562-590-5466

Legal Section 562-590-5461

300 Oceangate, Third Floor • CA 90802

Los Angeles: 213-620-6330, Room 5015

BOFE Room 5029

Legal Section 213-897-1511, Room 5022

107 S. Broadway • CA 90012

Marysville: 916-323-4920

1204 "E" St • CA 95901

Oakland: 415-557-7878, Room 500

BOFE 510-286-0371, Room 510

Legal Section 510-286-4286, Room 520

360 22nd St • CA 94612

Redding: 916-323-4920

2115 Akard Ave, Room 17 • CA 96001

Sacramento: 916-323-4920, Suite 360

BOFE 916-263-2891, Suite 340

Legal Section 916-263-2917, Suite 300

2424 Arden Way • CA 95825

Salinas: 415-557-7878

1870 N. Main St, Suite 150 • CA 93906

San Bernardino: 619-467-3002

464 W. Fourth St, Room 348 • CA 92401

San Diego: 619-467-3002

Legal Section 619-637-5509, Suite 125

8765 Aero Dr, Suite 120 • CA 92123

San Francisco: 415-557-7878, Suite 3400

BOFE 415-557-7209, Suite 2004

30 Van Ness Ave • CA 94102

Legal Section 415-975-2060

45 Fremont St, Suite 3220 • CA 94105

San Jose: 415-557-7878

Legal Section 408-277-9656

100 Paseo de San Antonio, Room 120 • CA 95113

Santa Ana: 213-620-6330, Room 625

BOFE Room 561

Legal Section 714-558-4914, Room 641

28 Civic Center Plaza • CA 92701

Santa Barbara: 213-620-6330

411 E. Canon Perdido St, Room 3 • CA 93101

Santa Rosa: 707-445-9067

50 "D" St, Suite 360 • CA 95404

Stockton: 916-323-4920

BOFE 209-948-3617

31 E. Channel St, Room 317 • CA 95202

Van Nuys: 213-620-6330

Legal Section 818-901-5482

6150 Van Nuys Blvd, Room 100 • CA 91401

Ventura: 213-620-6330

Legal Section 805-654-4647

1655 Mesa Verde Ave, Suite 125 • CA 93003

Division of Labor Statistics & Research (DLSR) _____

415-972-8620

Prevailing Wage Hotline: 415-972-8628

45 Fremont St, Suite 1160 • San Francisco

mailing address:

Department of Industrial Relations

Division of Labor Statistics and Research

P.O. Box 420603 • San Francisco, CA 94142-0603

Division of Workers' Compensation (DWC)

For recorded general information call 1-800-736-7401

Headquarters—San Francisco: 415-975-0700

45 Fremont St, Suite 3160 • CA 94105

- Information and assistance officers can be reached at DWC district offices

Anaheim: 714-738-4000, First & Second Floors
Information & Assistance Unit 714-738-4038

1661 N. Raymond Ave, Suite 200 • CA 92801

Bakersfield: 805-395-2723

Information & Assistance Unit 805-395-2514

1800 - 30th St, Suite 200 • CA 93301

Eureka: 707-445-6518, Suite 202

Information & Assistance Unit 707-441-5723

100 "H" St, Suite 201 • CA 95501

Fresno: 209-445-5051, Suite 4078

Information & Assistance Unit 209-445-5355

2550 Mariposa St, Suite 2035 • CA 93721

Grover Beach: 805-481-4912

Information & Assistance Unit 805--481-3296

1562 Grand Ave • CA 93433

Long Beach: 562-590-5001

Information & Assistance Unit 562--590-5240

300 Oceangate St, Third Floor • CA 90802

Los Angeles: 213-897-1554

Information & Assistance Unit 213--897-1446

107 S. Broadway, Suite 4107 • CA 90012

Oakland: 510-286-0641

Information & Assistance Unit 510--286-1358

2229 Webster St, Third Floor • CA 94612

Pomona: 909-623-4301, Suite 100

Information & Assistance Unit 909--623-8568

971 Corporate Center Dr • CA 91768

Redding: 530-225-2845

Information & Assistance Unit 530--225-2047

2115 Akard, Suite 21 • CA 96001

Riverside: 909-782-4344

Information & Assistance Unit 909--782-4347

3737 Main St, Third Floor • CA 92501

Sacramento: 916-263-2735

Information & Assistance Unit 916--263-2718 & -2741

2424 Arden Way, Suite 230 • CA 95825

Salinas: 831-443-3060

Information & Assistance Unit 831--443-3058

1880 N. Main St, Suite 100 • CA 93906

San Bernardino: 909-383-4341, Suite 239

Information & Assistance Unit 909--383-4522

464 W. Fourth St, Suite 360 • CA 92401

San Diego: 619-525-4077

Information & Assistance Unit 619--525-4589

1350 Front St, Room 3012 • CA 92101

San Francisco: 415-557-0680

Information & Assistance Unit 415--557-1954

30 Van Ness Ave, Room 3700 • CA 94102

San Jose: 408-277-1246

Information & Assistance Unit 408--277-1292

100 Paseo de San Antonio, Suite 223 • CA 95113

Santa Ana: 714-558-4121

Information & Assistance Unit 714--558-4597

28 Civic Center Plaza, Suite 451 • CA 92701

Santa Barbara: 805-966-1527

Information & Assistance Unit 805--966-9872

1525 State St, Suite 102 • CA 93101

Santa Monica: 310-452-9114

Information & Assistance Unit 310--452-1188

2701 Ocean Park Blvd, Suite 222 • CA 90405

Santa Rosa: 707-576-2391

Information & Assistance Unit 707--576-2452

50 "D" St, Suite 430 • CA 95404

Stockton: 209-948-7759

Information & Assistance Unit 209--463-6201

31 E. Channel St, Room 417 • CA 95202

Van Nuys: 818-901-5367

Information & Assistance Unit 818--901-5374

6150 Van Nuys Blvd, Suite 105 • CA 91401

Ventura: 805-654-4694

Information & Assistance Unit 805--654-4701

5810 Ralston St • CA 93003

Walnut Creek: 925-977-8310

Information & Assistance Unit 925--977-8343

175 Lennon Lane, Second Floor • CA 94598

Workers' Compensation Appeals Board (WCAB)

415-975-2000

45 Fremont St, Suite 410 • San Francisco, CA 94105

Self Insurance Plans (SIP)

916-483-3392 • Fax: 916-483-1535

2265 Watt Ave, Suite 1 • Sacramento, CA 95825

Industrial Medical Council (IMC)

650-737-2767 or 1-800-794-6900

Complaint Hotline: 1-800-999-1041

Fax-on-demand: 1-800-737-2063

395 Oyster Point Blvd, Room 102 • South San Francisco
mailing address:

Industrial Medical Council

P.O. Box 8888 • San Francisco, CA 94128

Commission on Health and Safety and Workers' Compensation

415-557-1304 • Fax: 415-557-1385

30 Van Ness Ave, Room 2122 • San Francisco, CA 94102

Division of Occupational Safety & Health (DOSH)**Headquarters—San Francisco:** 415-972-8500

45 Fremont St, Suite 1200 • CA 94105

Anaheim: 714-939-0145

2100 E. Katella Ave, Suite 140 • CA 92806

Concord: 925-602-6517

1465 Enea Circle, Bldg E, Suite 900 • CA 94520

Foster City: 650-573-3812

1065 E. Hillsdale Blvd, Suite 110 • CA 94404

Fresno: 209-445-5302

2550 Mariposa St, Room 4000 • CA 93721

Los Angeles: 213-736-3041

3550 W. Sixth St, Room 431 • CA 90020

Oakland: 510-568-8602

7700 Edgewater Dr, Suite 125 • CA 94621

Pico Rivera: 562-949-7827

9459 E. Slauson Ave • CA 90660

Redding: 530-224-4743

381 Hemsted Dr • CA 96002

Sacramento: 916-263-2800

2424 Arden Way, Suite 165 • CA 95825

San Bernardino: 909-383-4321

464 W. Fourth St, Suite 332 • CA 92401

San Diego: 619-637-5534

7807 Convoy Court, Suite 140 • CA 92111

San Francisco: 415-557-1677

1390 Market St, Suite 718 • CA 94102

San Jose: 408-452-7288

2010 N. First St, Suite 401 • CA 95131

Santa Rosa: 707-576-2388

1221 Farmers Lane, Suite 300 • CA 95405

Torrance: 310-516-3734

680 Knox St, Suite 100 • CA 90502

Van Nuys: 818-901-5403

6150 Van Nuys Blvd, Suite 405 • CA 91401

West Covina: 626-966-1166

417 N. Azusa Ave • CA 91791

Elevator Unit Headquarters: 415-972-8533

45 Fremont St, Suite 1260 • San Francisco, CA 94105

Pressure Vessel Unit Headquarters: 415-557-1009

30 Van Ness Ave, Room 3002-B • San Francisco, CA 94102

Mining & Tunneling Unit Headquarters: 530-895-6938

1367 E. Lassen Ave, Suite B-4 • Chico, CA 95973

High Hazard Unit Headquarters: 714-935-2726

2100 E. Katella Ave, Suite 145 • Anaheim, CA 92806

State Mediation & Conciliation Service (SMCS)**Headquarters—San Francisco:** 415-972-8857

45 Fremont St, Suite 275 • CA 94105

Fresno: 209-445-5311

2550 Mariposa St, Room 4014 • CA 93721

Los Angeles: 213-897-1387

107 S. Broadway, Room 7039 • CA 90012

San Diego: 619-525-4231

1350 Front St, Room 4060 • CA 92101

Cal/OSHA Consultation Service**Headquarters—San Francisco:** 415-972-8515

45 Fremont St, Suite 1260 • CA 94105

Northern/Central Valley: 916-263-2855

2424 Arden Way, Suite 410 • Sacramento, CA 95825

San Francisco Bay Area: 510-622-2891

1515 Clay St, Room 1103 • Oakland, CA 94621

Southern California Area: 213-736-2187

3550 W. Sixth St, Room 309 • Los Angeles, CA 90020

San Diego/San Bernardino: 619-467-4048

7827 Convoy Court, Suite 406 • San Diego, CA 92111

High Hazard Employer Program Assistance:

209-454-0615

Consultation Special Emphasis Projects:

562-944-9366

Voluntary Protection Programs:

415-972-8517

Education and Training:

916-574-2528

Video Library:

916-574-1755

Occupational Safety & Health Standards Board (OSHSB)

916-322-3640 • Fax: 916-445-5939

1300 "I" St, Suite 920 • Sacramento, CA 95814

Occupational Safety & Health Appeals Board (OSHAB)**Headquarters:** 916-322-5080 • Fax: 916-445-6331

1300 "I" St, Suite 940 • Sacramento, CA 95814

Southern California:

626-332-1145 • Fax: 626-966-4490

100 N. Barranca St, Suite 410 • West Covina, CA 91791

Division of Apprenticeship Standards (DAS)**Headquarters—San Francisco:** 415-975-2035

45 Fremont St, Suite 1050 • CA 94105

Fresno: 209-445-5431

2550 Mariposa St, Room 3080 • CA 93721

Los Angeles: 213-897-1385

107 S. Broadway, Room 5034 • CA 90012

Oakland: 510-577-5170

7700 Edgewater Dr, Suite 255 • CA 94621

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September 1998

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John C. Duncan

Chief Deputy Director

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Assistant Chief: Greg Rupp
Assistant Chief: Nance Steffen

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Chief Deputy Administrative Director: Peggy Sugarman
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Deputy Commissioner: Thomas J. McBirnie

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Manager: Mark Ashcraft

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Gerald P. O'Hara, Tom Rankin, Kristin Schwenkmeyer,
Robert B. Steinberg, Darrel "Shorty" Thacker,
Gregory Vach
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California Occupational Safety and Health Program

State Designee: John C. Duncan

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Deputy Chief: Mark Carleson
Deputy Chief: Frank Ciofalo
Manager, Cal/OSHA Consultation Service: Dave Bare

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Members: Gwendolyn Berman, John B. Foster,
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California Apprenticeship Council

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Howard Cole, Robert H. Eisenbeisz, Jeannie Holmes,
George Moton, Brad Plueger
Employer Representatives: Frank Azevedo,
C.W. Burke, Donald Goodman, Raymond Leap,
Laura Nelson, Eugene Sapper
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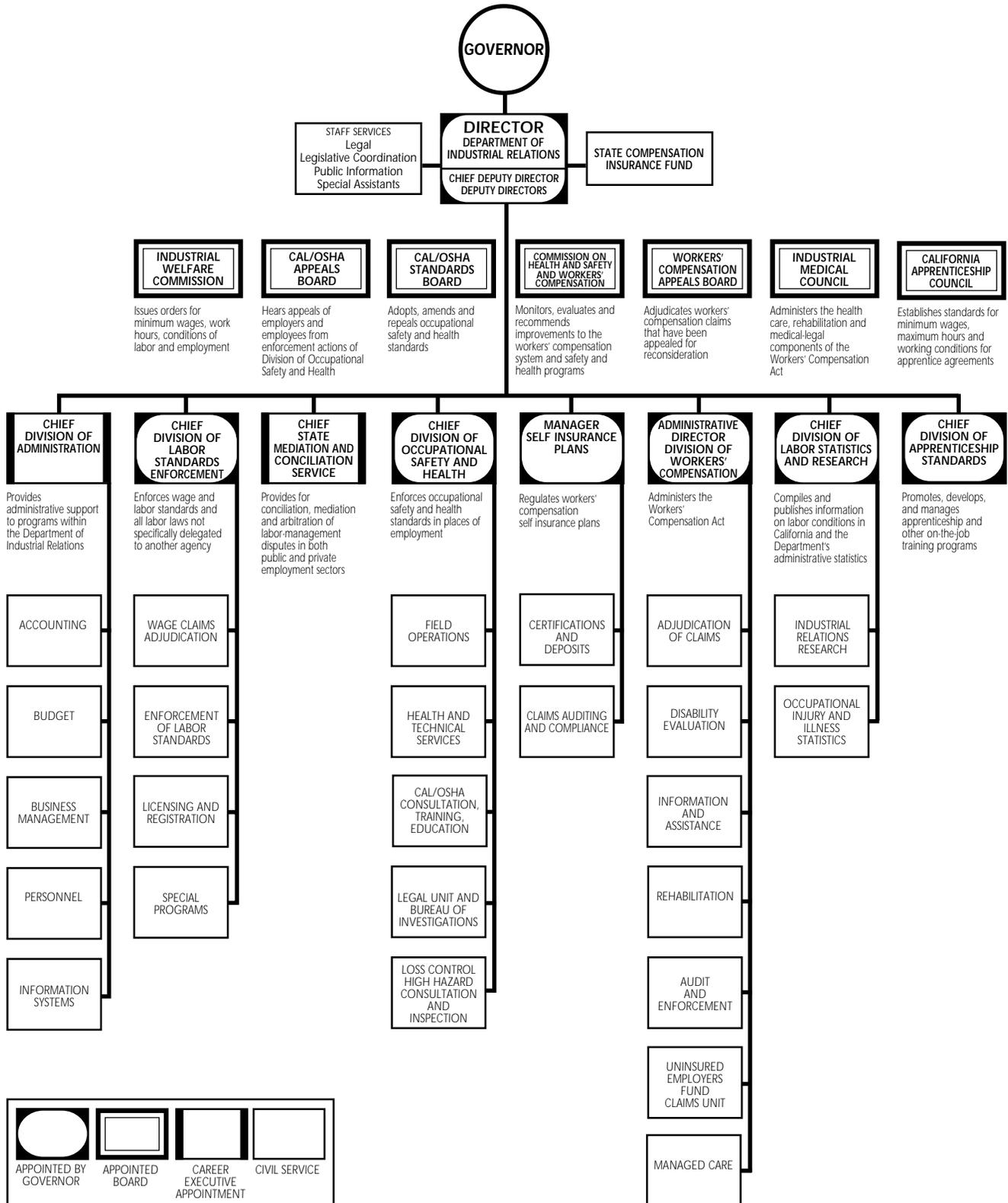
State Mediation and Conciliation Service

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Division of Labor Statistics and Research

Chief: Dorothy Vuksich
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Program Functions



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Except where a fee per copy is stated, publications are free of charge.

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Office of the Director

- California Department of Industrial Relations
1996-1997 Biennial Report

Division of Labor Standards Enforcement

- Summary of Some Basic California Employment Requirements
- Summary of Some Basic California & Federal Employment Requirements—Garment Employers
- Summary of Some Basic California & Federal Employment Requirements—Agricultural Employers
- Child Labor booklet
- Annual TIPP report
- Overtime Requirements pamphlet
- Laws Relating to Payment of Wages pamphlet
- Policies & Procedure for Wage Claim Processing pamphlet
- Discrimination Complaints Procedures pamphlet
- Industrial Welfare Commission Minimum Wage Order
- Laws and Regulations Governing the Payment of Prevailing Wages

Division of Labor Statistics & Research

- Directors General Prevailing Wage Determinations
- General Prevailing Wage Apprentice Schedules
- Laws and Regulations Governing the Payment of Prevailing Wages
- Directors Coverage Determinations
- California Consumer Price Index
- Occupational Injuries and Illnesses Survey: California 1991 (Statistical tables for 1992, 1993, 1994, 1995, 1996)
- Census of Fatal Occupational Injuries 1992 & 1993 (Statistical tables for 1994, 1995, 1996)

DIR posters required of California employers—phone 415-972-8844 for:

- Safety and Health Protection on the Job (Cal/OSHA poster—English, Spanish)
- Industrial Welfare Commission Orders 1–15 (request applicable industry poster)
- Pay Day Notice (poster DLSE-8)

Division of Workers' Compensation

- Workers' Compensation Reform: The Success Continues—fifth anniversary report
- 1998 Compilation of Changes in Workers' Compensation Laws
- Permanent Disability Rating Schedule
- California Standards Governing Timeliness and Quality of Vocational Rehabilitation Services
- Rehabilitation Unit Administrative Guidelines
- Benefit Notice Manual, Forms and Fact Sheets
- Managed Care in California's Workers' Compensation System

Industrial Medical Council

- State of California Official Qualified Medical Evaluators List (\$25 per copy)
- Medically Speaking, QME newsletter
- The Physician's Guide to Medical Practice in the California Workers' Compensation System, 2nd ed (\$15 per copy)
- Treating Physician's Alert
- Guidelines adopted by Industrial Medical Council:
 - Methods for Disability Evaluation—cardiac disability, pulmonary disability, immunologic disease, psychiatric disability, neuromusculoskeletal disability
 - Guidelines for Treatment—low back problems, neck, shoulder, elbow, hand & wrist, knee, contact dermatitis, post traumatic stress disorder, occupational asthma
- For Injured Workers: Your Medical Evaluation (English, Spanish)

Self Insurance Plans

- List of Private Sector Self Insurers (\$5 per copy)
- List of Public Sector Self Insurers (\$5 per copy)
- List of Third Party Claims Administrators (\$3 per copy)

Division of Occupational Safety & Health

- Users Guide to Cal/OSHA
- On-site Cal/OSHA Consultation
- Guide to Developing Your Workplace Injury & Illness Prevention Program
- Workplace Injury & Illness Prevention Model Programs:
 - For High Hazard Employers
 - For Non-high Hazard Employers
 - For Employers with Intermittent Workers (English, Spanish)
 - Intermittent Workers in Agriculture (English, Spanish)
- List of High and Non-high Hazard Industries in California, and Industries Which Have Historically Utilized Seasonal or Intermittent Employees
- High Hazard Employer Program
- Cal/OSHA Permit, Registration, Certification, and Notification Requirements
- Job Safety: What You Should Know (English, Spanish, Tagalog, Chinese, Korean, Vietnamese)
- Don't Risk Your Health! (bloodborne pathogens—English, Spanish, Tagalog, Chinese, Korean, Vietnamese)
- Bloodborne Pathogens Resource Package
- Field Sanitation Guide to Compliance
- Lockout/Blockout (English, Spanish)
- Guide to Respiratory Protection at Work
- Electrical Safety
- Guidelines for Workplace Security
- Model Injury & Illness Prevention Program for Workplace Security
- Guidelines for Security and Safety of Health Care and Community Service Workers
- Four Step Ergonomics Program for Employers with VDT Operators
- A Back Injury Prevention Guide for Health Care Providers
- Cal/OSHA Guide for the Construction Industry
- Cal/OSHA Guide for the Manufacturing Industry
- Tailgate/Toolbox Topics:
 - Setting Up a Tailgate/Toolbox Safety Meeting
 - Injury and Illness Prevention Program
 - Roofing Safety: General Requirements
 - Roofing Safety: Slips and Falls
 - Power Press Safety
 - High Voltage Overhead Lines
 - Confined Spaces
 - Lockout/Blockout
 - Trenching Safety
 - Servicing Single, Split Rim & Multi-piece Rims or Wheels
- Operating Rules for Industrial Trucks (poster—English, Spanish)
- Access to Medical and Exposure Records (poster—English, Spanish)
- Emergency Telephone Numbers (poster)

Occupational Safety & Health Standards Board

- Occupational Safety and Health Standards Board's Role and Responsibilities
- Notice of Hearing and Proposed Changes to Title 8 (monthly)
- Calendar of Activities (monthly)
- Description of Variance Procedures Before the Occupational Safety and Health Standards Board
- Information Sheet Regarding Petitions to Adopt, Amend or Repeal Occupational Safety and Health Regulations

Occupational Safety & Health Appeals Board

- Appeal Information for the Occupational Safety and Health Appeals Board

Commission on Health & Safety & Workers' Compensation

- Commission 1996-97 Annual Report
- Commission 1997-98 Annual Report
- Navigating the California Workers' Compensation System: The Injured Worker's Experience
- Evaluating the Reforms of the Medical-Legal Process
- Permanent Disability Study Report
- Impact of the 1993 Reforms on the Vocational Rehabilitation Benefit
- Report on CHSWC Fact-Finding Hearing on Workers' Compensation Anti-Fraud Activities
- Issue Paper—Employers Illegally Uninsured for Workers' Compensation
- Review of the Literature: Modified Work
- "Carve Outs"—A Study of Alternative Workers' Compensation Dispute Resolution Programs

Division of Apprenticeship Standards

- Characteristics of Registered Apprentices in California
- List of Apprenticeable Occupations and Number of Apprentices Registered by the State of California
- Excerpts: California Code of Regulations, California Apprenticeship Council
- The Apprenticeship Law in California
- School to Career: An Option Worth Consideration
- School to Career: Are You Job Ready?
- California Employers: Do You Need Skilled Workers?



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