

§9810. General Provisions.

- (a) This Article applies to benefit notices prepared on or after its effective date. Amendments to this Article filed with the Secretary of State in January, 1994 shall become effective for notices required to be sent on or after April 1, 1994.
- (b) The Administrative Director may, at his or her discretion, issue and revise from time to time a Benefit Notice Instruction Manual as a guide for completing and serving the notices required by this Article.
- (c) Benefit notice letters may be produced on the claims administrator's letterhead. The notice letters shall identify the employee's name, employer's name, the claim number, the date the notice was sent to the employee, and the date of injury. All notices shall clearly identify the name and telephone number and address of the person responsible for the payment and adjusting of the claim, and shall clearly state that additional information may be obtained from an Information and Assistance officer with the Division of Workers' Compensation. If the employer offers additional disability benefits in addition to those provided by law under workers' compensation, the claims administrator may incorporate the information within the notices required by these regulations. A single benefit notice may encompass multiple events.
- ~~(d) The claims administrator shall include a general benefits information pamphlet with the first notice sent to each employee pursuant to this article. The pamphlet shall meet the requirements of Section 9882 and shall be in the form prescribed by the Administrative Director.~~
- ~~(e)~~ (d) The claims administrator shall make available to the employee, upon request, copies of medical reports other than psychiatric reports which the physician has recommended not be provided to the employee.
- ~~(f)~~ (e) The claims administrator shall send a copy of each benefit notice, and any enclosures not previously served on the attorney (except benefit notice pamphlets), concurrently to the attorney of any represented employee.
- ~~(g)~~ (f) Any deadline for reply which is measured from the date a notice is sent, and all rights protected within the deadline, are extended if the notice is sent by mail, as follows: by 5 days if the place of mailing and the place of address are in the same state of the United States; by 10 days if the place of mailing and the place of address are in different states of the United States; by 20 days if the place of mailing is in and the place of address is outside the United States. All notices shall be mailed from the United States.
- ~~(h)~~ (g) Copies of all benefit notices sent to injured workers shall be maintained by the claims administrator in paper or electronic form.

NOTE: Authority cited: Sections 59, 133, 138.3, 138.4, 139.5(a)(2), 4061(a), (b), (d) and 5307.3, Labor Code. Reference: Sections 138.4, 139.5(a)(3), 4061 and 4650(a) through (d), Labor Code.

§9880. Written Notice to New Employees.

(a) Every employer shall provide to every new employee, either at the time of hire or ~~no later than~~ by the end of the first pay period, the Written Notice to New Employees information concerning the rights, benefits and obligations under worker's compensation law. The content of the notice must be approved by the Administrative Director.

(b) The notice shall be easily understandable. It shall be available in both English and Spanish where there are Spanish-speaking employees.

~~(b)~~ (c) The notice provided shall be in writing, in non-technical terms and shall include the following information:

~~(1) An explanation of the extent and scope of coverage provided by the worker's compensation law.~~

~~(2) An explanation of an injured employee's rights to medical care and to select and change the treating physician.~~

~~(3) An explanation of an injured employee's rights to indemnify payments for disability or death and the availability of vocational rehabilitation services.~~

~~(4) The procedures for reporting accidents and injuries to the employer.~~

~~(5) Where further information may be obtained, including an explanation of services available from an Information and Assistance Officer.~~

(1) The name of the current compensation insurance carrier of the employer at the time of distribution, or when such is the fact, that the employer is self-insured, and who is responsible for claims adjustment;

(2) How to get emergency medical treatment, if needed;

(3) The kinds of events, injuries and illnesses covered by workers' compensation;

(4) The injured employee's right to receive medical care;

(5) How to obtain appropriate medical care for a job injury;

(6) The role and function of the primary treating physician;

(7) The rights of the employee to select and change the treating physician pursuant to the provisions of Labor Code Sections 4600 and 4601;

(8) A form that the employee may use as an optional method for notifying the employer of the name of the employee's "personal physician," as defined by Labor Code Section 4600, or "personal chiropractor," as defined by Labor Code Section 4601;

(9) The rights of the employee to receive temporary disability indemnity, permanent disability indemnity, vocational rehabilitation services, supplemental job displacement benefits, and death benefits, as appropriate;

(10) To whom the injuries should be reported;

(11) The existence of time limits for the employer to be notified of an occupational injury;

(12) The protections against discrimination provided pursuant to Section 132a; and

(13) The location and telephone number of the nearest information and assistance officer, including an explanation of services available.

NOTE: Authority cited: Sections 133, 138.3, 138.4, 3550, 3551, and 5307.3, Labor Code. Reference: Sections 139.5, 139.6, 3550, 3551, 3600, 4600, 4601, 4603, 4650, 4651, 4658.5, 4658.6, 4700, 4702 and 4703, Labor Code.

§9881. Posting of Notice to Employees.

- (a) Every employer shall post and keep posted in a conspicuous location frequented by employees during the hours of the workday a Notice to Employees. ~~approved by the administrative director.~~
- (b) The Notice to Employees poster shall be easily understandable. It shall be posted in both English and Spanish where there are Spanish-speaking employees.
- ~~(b) (c) The posting a Notice to Employees poster shall include the following information:~~
- ~~(1) Advice to employees that all injuries should be reported and identifying the individual to whom job accidents and injuries should be reported.~~
- ~~(2) Advice concerning the employee's rights to medical care and to select or change the treating physician.~~
- ~~(3) Advice concerning the employee's entitlement to indemnify payments and vocational rehabilitation services.~~
- ~~(4) Advice that the employer may not be responsible for compensation because of an injury due to the employee's voluntary participation in any off-duty recreational, social, or athletic activity that is not a part of the employee's work-related duties.~~
- ~~(5) Whether the employer is self-insured for worker's compensation or, if not, the name of the current insurer, and the location of the person or office responsible for claims adjustment.~~
- ~~(6) The street address and telephone number of the nearest Information and Assistance Officer.~~
- ~~(7) Emergency telephone numbers for physician, hospital, ambulance, police and firefighting services.~~
- (1) The name of the current compensation insurance carrier of the employer, or when such is the fact, that the employer is self-insured, and who is responsible for claims adjustment.
- (2) How to get emergency medical treatment, if needed.
- (3) Emergency telephone numbers for physician, hospital, ambulance, police and firefighting services.
- (4) The kinds of events, injuries and illnesses covered by workers' compensation.
- (5) Advice that the employer may not be responsible for compensation because of an injury due to the employee's voluntary participation in any off-duty recreational, social, or athletic activity that is not a part of the employee's work-related duties.
- (6) The injured employee's right to receive medical care.
- (7) The rights of the employee to select and change the treating physician pursuant to the provisions of Labor Code Section 4600.
- (8) The rights of the employee to receive temporary disability indemnity, permanent disability indemnity, vocational rehabilitation services, supplemental job displacement benefits, and death benefits, as appropriate.
- (9) To whom the injuries should be reported.
- (10) The existence of time limits for the employer to be notified of an occupational injury.
- (11) The protections against discrimination provided pursuant to Labor Code Section 132a.

(12) The location and telephone number of the nearest information and assistance officer.

(c) The employer may post the Administrative Director's approved Notice to Employee Poster provided in Section 9881.1. If the employer chooses not to use the Notice to Employee Poster provided in Section 9881.1, the employer may use a poster which meets the posting requirements of Labor Code Section 3550, includes the information required by this regulation, and has been approved by the Administrative Director.

NOTE: Authority cited: Sections 133, 138.3, 139.6, 3550 and 5307.3, Labor Code.
Reference: Sections 139.5, 3550, 3600, 4600, 4601, ~~and~~ 4603, 4658.5, and 4658.6, Labor Code.

§ 9881.1 Notice to Employees Poster

[Notice to Employees Poster Attached]

Note: Authority Cited: Sections 133, 138.3, 139.6, 3550 and 5307.3, Labor Code

Reference: Sections 3550, 4600, 4601, 4603, 4604.5, 4616, 4658.5 and 4658.6, Labor Code

~~§9882. Written Notice to Injured Employees; Pamphlet Contents.~~

- ~~(a) Within five working days of notice or knowledge of any injury, the employer shall advise the employee of the compensation to which he or she may be entitled and the rights, benefits, and obligations under the workers' compensation law.~~
- ~~(b) The advice shall be in writing, in non-technical terms available in both English and Spanish, and shall include the following information:~~
- ~~(1) An explanation of an injured employee's rights to medical care and to select or change the treating physician.~~
 - ~~(2) An explanation of an injured employee's rights to indemnity payments for disability or death, including information on the amount and frequency of such payments.~~
 - ~~(3) An explanation of the nature and availability of vocation rehabilitation services.~~
 - ~~(4) An explanation of the employee's protections against discrimination because of a work injury.~~
 - ~~(5) An explanation of the procedures for claiming compensation, time limits for filing a claim, and methods to resolve disputes, including the employee's right to consult and Information and Assistance Officer or an attorney.~~
 - ~~(6) Where further information may be obtained, including an explanation of services available from an Information and Assistance Officer.~~

~~NOTE: Authority cited: Sections 133, 138.3, 138.4, 139.6, and 5402, Labor Code.
Reference: Sections 132(a), 139.5, 3600, 4600, 4601, 4650, 4658, 4700, 4701, 4702, 4703, 4401-4411 and 5400-5412, Labor Code.~~

§9883. Publication of Information, Approval, Spanish Translation.

(a) Insurers, employers or private enterprises may prepare and publish for their use or sale the ~~posting notice~~ Notice to Employees poster and/or pamphlet(s) the Written Notice to New Employees required by this Article upon prior approval of the form and content by the Administrative Director. The ~~notice~~ Notice to Employees poster and/or pamphlet Written Notice to New Employees may include a ~~logo type~~ logotype. The addition only of a logotype to a previously approved ~~notice~~ Notice to Employees poster or pamphlet Written Notice to New Employees does not require additional approval.

~~(b)~~ (1) Any ~~pamphlet so printed~~ published Written Notice to New Employees shall be available in English and Spanish and shall include the information specified in Section ~~9882(b)~~ 9880.

(2) Any published Notice to Employees poster shall be available in English and Spanish, where there are Spanish-speaking employees, and shall include the information specified in Section 9881.

~~(e)~~ (b) All matter published subsequent to the effective date of ~~these~~ this regulations and approval of the Administrative Director shall indicate that the ~~notice, pamphlet or~~ written informational material has been approved by the Administrative Director.

~~(d)~~ (c) Publications other than those of the Administrative Director or the Workers' Compensation Appeals Board may reflect the employer, private publisher or insurance carrier identifier or logotype.

~~(e)~~ Where appropriate the employer or insurance carrier shall also provide a Spanish translation of the written notices required by this article.

NOTE: Authority cited: Sections 133, ~~and~~ 139.6, 3550, 3551, and 5307, Labor Code.
Reference: Section 139.6, 3550, and 3551, Labor Code.

~~§10117 Claim Form.~~

~~The Employee's Claim for Workers' Compensation Benefits is the form set forth in Section 10118 of this Article. The employer portion of the form may also include other information pertinent to the claim, including a logo or other employer-identifying information, but such information shall in no way impose additional duties or prohibitions on the employee or delay the processing of the claim. The claim form consists of at least an original and three (3) copies; each copy designates to whom the dated copy should be given: (1) employee; (2) claims administrator; (3) employee's temporary receipt.~~

~~NOTE: Authority cited: Sections 133 and 5307.3, Labor Code. Reference: Sections 5401, 5401.7 and 5402, Labor Code.~~

§10117.1 Claim Form and Notice of Potential Eligibility for Benefits.

The employee's form for filing a workers' compensation claim (DWC 1) and the Notice of Potential Eligibility for Benefits is a mandatory form set forth in Section 10118.1 of this Article. The employer portion of the form may also include other information pertinent to the claim, including a logo or other employer-identifying information, but such information shall in no way impose additional duties or prohibitions on the employee or delay the processing of the claim. The claim form consists of an original and three (3) copies.

NOTE: Authority cited: Sections 133 and 5307.3, Labor Code. Reference: Sections 5401, 5401.7 and 5402, Labor Code.

§10118. Form.

