

**STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF WORKERS' COMPENSATION**

INITIAL STATEMENT OF REASONS

**Subject Matter of Regulations:
Rules of the Court Administrator
Electronic Adjudication Management System (EAMS)**

**TITLE 8, CALIFORNIA CODE OF REGULATIONS
Sections 10210 et seq.**

Repealed §10250. Payment of Medical Provider and Medical-Legal Lien Claimant
Initial Lien Filing Fees. Rules of the Court Administrator

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Proposed §10212. District Office Records Not Subject to Subpoena.

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Proposed §10273. Retention, Return and Destruction of Records and Exhibits.

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Proposed §10294. Petition Appealing Determination of a Return to Work Reimbursement.

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Proposed §10295. Mandatory Arbitration.

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BACKGROUND TO REGULATORY PROCEEDING

In 2002, the legislature amended Labor Code section 138.1 and created the position of the Court Administrator. [Assembly Bill 749 (Chapter 6, Stats. of 2002, effective January 1, 2003).] The legislature defined the position of the Court Administrator as "the administrator of the workers' compensation adjudicatory process at the trial level." (Lab. Code § 110 (f).) The legislature expressly intended the Court Administrator to "further the interests of uniformity and expedition of proceedings before workers' compensation administrative law judges, assure that all workers' compensation administrative law

judges are qualified and adhere to deadlines mandated by law or regulations, and manage district office procedural matters at the trial level." (Lab. Code § 127.5.) Labor Code sections 5500.3(a) and 5307(c) also require the Court Administrator to establish uniform district office procedures, uniform forms, and uniform time of court settings for all district offices of the appeals board.

In fiscal year 2004 to 2005, the Senate Bill 1113 (SB 1113, Stats. 2004, Ch. 208) authorized funds for the Electronic Adjudication Management System (EAMS). EAMS is a computer based system that will simplify and improve the DWC case management process to more efficiently resolve claims, improve the ability to schedule and manage court calendars, allow files to be shared between multiple users and transform paper files into secure electronic files, reducing the need for physical storage space at local district offices and the State Records Center. EAMS will replace the current workers' compensation court technology and supporting infrastructure.

Prior to the creation of the Court Administrator position, most of the rules pertaining to the district office procedures and forms were promulgated by the Workers' Compensation Appeals Board (WCAB). The rules that were previously within the jurisdiction of the WCAB will be repealed by the WCAB in their rulemaking, which will be filed with the Office of Administrative Law. The WCAB continues to have jurisdiction over some aspects of trial level proceedings, such as the extent of proofs and evidence (Labor Code section 5307(a)), the application and answer (Labor Code section 5500), and liens (Labor Code section 4903). The regulations regarding these areas will be promulgated by the WCAB.

This rulemaking establishes uniform procedures and forms for the district offices of the appeals board. It also sets forth the procedures for filing required in EAMS. This rulemaking implements the first stage of EAMS (the internal go-live stage), which is to store the information electronically to allow for internal users to maintain and search for documents. At the Division of Workers' Compensation (DWC) internal go-live, external participants will continue to file on paper using new forms that employ optical character recognition (OCR). The OCR forms will be available online on the EAMS Web page. Forms and documents will be scanned into EAMS by DWC employees at district offices.

These proposed regulations implement, interpret, and make specific the sections of the Labor Code pertaining to the jurisdiction of the Court Administrator and EAMS as follows:

SUMMARY OF THE PROPOSED REGULATIONS

Implementing, interpreting and making specific the provisions of Labor Code sections 110, 127, 127.5, 5307, 5500.3(a), 5502 and implementing EAMS, the proposed regulations

- Set forth uniform rules for district office procedures, including conferences, hearings, and continuances;

- Define and explain how adjudication files will be stored and maintained in the Electronic Adjudication Management System;
- Provide forms, that can be scanned and routed into EAMS, to be used at all trial level proceedings;
- Establish a priority calendar for issues requiring an expedited hearing and decision and a priority calendar;
- Set forth the rules regarding access to records and files; and
- Set forth the procedure for filing a review of Administrative Orders.

REPEAL OF SECTION 10250 Payment of Medical Provider and Medical Legal Lien Claimant Initial Lien Filing Fees

Specific Purpose of Repealed Section 10250:

This repealed regulation implemented Labor Code section 4903.05, which required a filing fee for liens. Labor Code section 4903.05 was repealed on July 1, 2006.

Necessity:

Because Labor Code section 4903.05 was repealed in 2006, this implementing regulation is repealed pursuant to California Code of Regulations, title 1, section 100(a)(2).

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

SECTION 10210 Definitions

Specific Purpose of Section 10210:

Section 10210 lists and defines the terms used in these regulations. The purpose of the definitions is to implement, interpret, and make specific the provisions of Labor Code sections that authorize the Court Administrator to create uniform rules for the trial level workers' compensation courts. The section also defines terms that relate to filing and procedures for EAMS. The definitions ensure that the meanings of the terms are clearly understood by the workers' compensation community.

Necessity:

In general, it is necessary to define each of the key terms used in the regulations to ensure that the content and meaning of the regulations are clearly understood by the workers' compensation community.

Many of the terms were previously defined in California Code of Regulations, title 8, section 10301. These terms include "administrative director," "appeals board," "applicant," "application for adjudication" or "application," "declaration of readiness to proceed," "declaration of readiness to proceed to expedited hearing," "defendant," "hearing," "lien claimant," "mandatory settlement conference," "party," "petition," "priority conference," "rating mandatory settlement conference," "regular hearing," "serve," "status conference," "submission," and "trial." These terms are necessary to define the procedures required during the adjudicatory process and are used throughout the regulations. New terms have been defined and are required in order for EAMS to function. These terms include: "adjudication file," "document," "document cover sheet," "document separator sheet," "Electronic Adjudication Management System" or "EAMS," "electronic signature," "fax," "file," and "optical character recognition form" or "OCR form." Finally, an additional group of terms are necessary due to the Labor Code's creation of the position of Court Administrator and the requirement that the Court Administrator create uniform rules of procedure: "court administrator," "district office," "lien conference," "venue," and "workers' compensation administrative law judge."

Consideration of Alternatives:

No more effective alternative to any of the definitions, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

SECTION 10211 Compliance with the Rules of the Court Administrator

Specific Purpose of Section 10211:

The purpose of this proposed regulation is to alert the public that sanctions may be imposed for failure to comply with the regulations.

Necessity:

The Rules of the Court Administrator rules set forth the trial level procedures for workers' compensation cases. In order for the cases to be heard in an efficient and fair manner, the parties must follow the procedures set forth in the regulations. This section is necessary to discourage bad faith actions that are frivolous or solely intended to cause unnecessary delay. Labor Code section 5813 provides that sanctions may be imposed for bad faith actions, and this regulation defines bad faith actions to include failure to comply with the Rules of the Court Administrator.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

SECTION 10212 District Office Records Not Subject to Subpoena

Specific Purpose of Section 10212:

The purpose of this proposed regulation is to inform the public that the workers' compensation adjudication files may not be removed from the district offices and are not subject to subpoena. However, because the files are public records, copies may be obtained by making a public records act request. Therefore, the purpose of subdivision (b) is to inform the public how certified copies may be obtained.

Necessity:

This section is necessary to implement Labor Code section 5955, which provides that only the Supreme Court or Appellate courts have jurisdiction over the WCAB. A superior court subpoena cannot be enforced against the Workers' Compensation Appeal Board. This proposed regulation is based on the appeals board rule, section 10322.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

SECTION 10213 Ex Parte and Prohibited Communication

Specific Purpose of Section 10213:

The purpose of this proposed regulation is to inform the public that it is improper to serve a document on the district office or the workers' compensation administrative law judge unless it has served all other parties as well. Workers' compensation administrative law judges are required to follow the Code of Judicial Ethics, which prohibit ex parte communication. This section also informs the public that if they do communicate ex parte with a workers' compensation administrative law judge, the judge will disclose the communication to the other parties in the case. The purpose of subdivision (c) is to alert the public not to communicate directly with a physician that was appointed by the WCAB to examine the employee (applicant).

Necessity:

This section is necessary to implement Labor Code 123.6, which requires workers' compensation administrative law judges to comply with the Code of Judicial Ethics, specifically Canon 3 which deals with ex parte communications. Because parties have been known to send documents to the workers' compensation administrative law judges without copying all other parties, it is necessary to inform them that such a practice is improper and that the judge is required to copy the other parties if this happens, so they are not under the mistaken impression that the documents will not be seen by the other parties.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

SECTION 10214 Compromise and Release form and Stipulation with Request for Award forms

Specific Purpose of Section 10214:

The purpose of this proposed regulation is to list and provide the mandatory optical character recognition forms to be used to settle case by either a compromise and release or stipulation with request for award. The forms are (a) the stipulation with request for award; (b) the stipulation with request for award, death case; (c) compromise and release; (d) compromise and release, dependency claim; and (e) compromise and release, third party settlement.

Necessity:

The Labor Code (sections 5003, 504, and 5005) list required information for settlement of workers' compensation cases. The mandatory forms ensure that the required information is provided by the parties. The forms are optical character recognition forms so that data (for example, first name and last name) will be routed into EAMS when the forms are scanned.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

SECTION 10215 Case Name and Case Index

Specific Purpose of Section 10215:

The purpose of this proposed regulation is to list of the cases that have been filed with the district office of the WCAB and to allow for a public search of the cases.

Necessity:

The index is necessary for the Division to have a list of the cases filed and to allow members of the public to search the list.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

SECTION 10216 Adjudication Files

Specific Purpose of Section 10216:

The purpose of this section is to implement the first stage of EAMS – the internal go-live stage. Subdivision (a) informs the public that all cases filed on or after the effective date of the regulations will be maintained electronically in EAMS. The paper documents will be scanned into EAMS, and the paper documents will then be destroyed. The purpose of subdivision (b) is to explain what will happen to cases already filed. DWC will maintain the paper file until it has been converted to an electronic adjudication file (scanned by DWC employees into EAMS). All documents filed after the effective date of these regulations will be scanned into EAMS. The purpose of subdivision (c) is to inform the public that a paper file may be converted into an electronic file at any time and once it is, the parties shall be notified and the paper file may be destroyed.

Necessity:

EAMS is a computer based system that will simplify and improve the DWC case management process to more efficiently resolve claims, improve the ability to schedule and manage court calendars, allow files to be shared between multiple users and transform paper files into secure electronic files, reducing the need for physical storage space at local DWC offices and the State Records Center. EAMS will replace the current workers' compensation court technology and supporting infrastructure. In order for EAMS to be fully functional all cases will need to be scanned into EAMS. Eventually, parties will be able to file electronically, but during the first stage of EAMS, DWC staff will scan paper documents into EAMS when they are filed. DWC staff will also need to scan existing paper files into EAMS. The paper documents will be destroyed after they are scanned to reduce storage space.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

SECTION 10217 Official Address Record and Duty to Furnish Correct Address

Specific Purpose of Section 10217:

The purpose of this proposed regulation is to require all parties to inform the Division of Worker's Compensation whenever there is a change of mailing address, telephone number, fax number, or e-mail. The parties are also required to inform other parties having an interest in the case if there is a change of address, telephone number, fax number or e-mail.

Necessity:

Every adjudication file has an official address record. This section is necessary to ensure that the official address record is kept current and that all parties receive notice of hearings in their cases and that the parties are able to contact and properly serve one another.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

SECTION 10218 Designated Preferred Method of Service

Specific Purpose of Section 10218:

The purpose of this proposed regulation is to require all parties to inform the district office of its preferred method of service, so that the district offices and appeals board can serve documents in the preferred method. The parties are also required to inform other parties of their preferred method of service. However, to ensure that unrepresented parties (who are less familiar with the district office procedures) are served, service on unrepresented parties must be made by first class mail.

Necessity:

This section will allow the district office to serve documents electronically, which will be more efficient and economical, if the parties so designate. It will also allow the parties to serve each other electronically, if the parties designate a manner of service that is by fax or e-mail. Because unrepresented parties are less familiar with the district office procedures, service on unrepresented parties must be made by first class mail.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

SECTION 10223 Corrective Measures for Misfiled or Misdirected Documents into the Case Management System

Specific Purpose of Section 10223:

The purpose of this proposed regulation is to address corrective measures for documents that are unreadable because of technical or scanning problems, or for documents that were misfiled. The regulation informs the public that DWC will have the ability to perform document substitution on filed documents, to repair scanned documents, and to move documents to other case files. The section also informs the public that a filer may substitute a document if it was unreadable or illegible. DWC may repair a document if the scanned image does not accurately reflect the original.

Necessity:

This section is necessary to address problems that may occur because of electronic filing with EAMS. This section is necessary because it is possible that the scanners may not be able to read the images on the original documents, and it is possible that the scanned documents may be directed into the wrong files.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

SECTION 10225 Extended System Unavailability

Specific Purpose of Section 10225:

The purpose of this proposed regulation is to inform the public what types of orders that Court Administrator will issue if there is a system failure of EAMS for at least 24 hours.

Necessity:

This section is necessary to address untimely filings that are a result of a technical failure of EAMS. Because there are strict due dates for the filing of pleadings and documents, the public needs to know what to do if it is unable to file with EAMS.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Cat this time.

SECTION 10228 Place of Filing Documents

Specific Purpose of Section 10228:

The purpose of this proposed regulation is to inform the public where to file documents related to their workers' compensation claim. It also sets forth that documents not filed as specified will not be accepted for filing and may be discarded, unless a stamped self-addressed envelope is included, in which case the documents may be returned. It explains how a case number will be assigned. It also alerts that public that e-mails and faxes sent to the district offices or appeals boards shall not be accepted for filing.

Necessity:

This section is so that the public understands where to file documents related to a workers' compensation claim and what will happen to documents that are not filed in compliance with this regulation. This proposed regulation is replacing section 10390 (which will be repealed by the WCAB) because the authority to prescribe uniform district office procedures now rests with the Court Administrator. (Labor Code section 5500.3(a).)

Subdivision (b) is necessary to address the problem of petitions for reconsideration and removal being filed with the district office instead of the appeals board. Case law illustrates that petitions are often misfiled with the district offices. For example, *In Scott Pontiac GMC v. WCAB (Olsen)*, Court of Appeal, 2d App. Dist., Div. 8, Mar. 13, 2007, No. B193817, certified for nonpublication, the court of appeal annulled a Board dismissal of an applicant's petition for reconsideration, hand-delivered to the San Francisco district office instead of the WCAB office on the ninth floor. By the time the petition reached the 9th floor, the filing time had elapsed. (Also see *Frank M. Hampton, Petitioner v. Workers Compensation Appeals Board, General Motors Corporation* (1997) Court of Appeal, First Appellate District, Division Two 62 Cal. Comp. Cas 1227; where the petition for reconsideration was filed with the district office instead of with the appeals board.) The cases of *City of San Bernardino v. Workers' Comp. Appeals Bd. (Tull)* (1997) 62 Cal.Comp.Cases 798 (writ den.) [petition from decision of the WCAB in San Francisco dismissed per section 10840 because filed in the San Bernardino district office instead of at the Board's San Francisco office] and *Phelps v. Workers' Comp. Appeals Bd.* (1997) 62 Cal.Comp.Cases 377 (writ den.) [dismissed as untimely because filed in Van Nuys, not San Francisco] are examples of cases where the petition for reconsideration was dismissed because the applicants failed to file with the appeals board, but instead filed at the district offices.

Subdivision (c) is necessary because if parties send documents to the wrong district offices or the appeals board the documents will not be filed. Also, the documents will not be returned unless a self-addressed stamped envelope was included.

Subdivision (d) is necessary to explain how case numbers will be assigned.

Subdivision (e) is necessary because the district offices and appeals board do not accept documents sent by faxes or e-mail for filing.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

SECTION 10229 Manner of Filing Documents

Specific Purpose of Section 10229:

The purpose of this proposed regulation is to required all parties to use the appropriate optical characterization recognition form. All parties except certain unrepresented parties are required to use a computer or typewriter to fill out the forms.

Necessity:

The mandatory forms ensure that the required information is provided by the parties. The forms are optical character recognition forms so that data (for example, first name and last name) will be routed into EAMS when the forms are scanned. Parties are required to use a computer or typewriter in order for the information to be readable by the scanner. DWC employees will be required to enter data that cannot be scanned into EAMS.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

SECTION 10230 Time of Filing Documents

Specific Purpose of Section 10230:

The purpose of this proposed regulation is inform the public when a document is deemed filed, which is the time it is received (if received prior to 5:00 p.m. of a court

day) as opposed to the day it is mailed. It also informs the public that an endorsement as evidence of receipt will be placed on the document.

Necessity:

This section is necessary because certain documents have specific due dates. All parties need to know what is considered the filed date for documents that have been mailed or for documents received after 5:00 p.m., on weekend, or on holidays. The parties need to know that the receipt information will be marked on the filed documents in case there is a dispute.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

SECTION 10232 Form and Size Requirements for Filed Documents

Specific Purpose of Section 10232:

The purpose of this proposed regulation is to inform the public of the form and size requirements for documents because the documents must be scanned into EAMS.

Necessity:

DWC will be scanning paper documents submitted at its 24 district offices so that the data can be routed into EAMS. In order for the information on the original document to be routed into EAMS, the documents must be one sided, printed with black ink (in specific fonts) on white 8 1/2 by 11 inch paper, without markings in the margins. The case caption information is required so that the document is sent to the correct file. The limit of page length (with the exception of medical reports) is necessary to reduce duplicate and unnecessary filings and to limit the number of documents that will need to be scanned by the DWC staff. A document cover sheet is required because it provides meta data and routes the documents to the proper file. A separator sheet is required between each set of documents because it alerts the scanner that the following pages are a new document and makes it possible for EAMS to index what is filed. Oversized documents will not fit into the scanners, so they must be filed at the time of trial. The exception to this rule only exists for certain unrepresented parties who do not have access to a computer or typewriter, because DWC employees will be required to enter data that cannot be scanned into EAMS.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

SECTION 10232.1 Document cover sheet form

Specific Purpose of Section 10232.1:

The purpose of this proposed regulation is to provide the required document cover sheet form.

Necessity:

A document cover sheet is required because it provides meta data and routes the documents to the proper file.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

SECTION 10232.2 Document separator sheet form

Specific Purpose of Section 10232:

The purpose of this proposed regulation is to provide the required document separator form.

Necessity:

A document separator sheet is required between each set of documents because it alerts the scanner that the following pages are a new document and makes it possible for EAMS to index what is filed.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

SECTION 10233 Filing of Medical Reports, Medical-Legal Reports, and Various

Specific Purpose of Section 10233:

The purpose of this proposed regulation is to make sure that all relevant medical reports are filed, and that the parties serve each other with the records, but that the parties do not file duplicate copies of records.

Necessity:

Relevant medical records must be filed with a declaration of readiness, a declaration of readiness for expedited hearing, with a compromise and release, at mandatory settlement conferences, and at trial in order for the parties and workers' compensation administrative law judges to be able to review the records and make the appropriate orders. However, it is unnecessary for the parties to file irrelevant records or duplicate records. If records have been filed in EAMS once, they will be retrievable. Filing duplicate records would also be a waste of DWC staff resources because DWC staff will be required to scan all documents into EAMS. It is necessary to file the medical records using the document cover sheets and document separator sheets so that the documents are directed to the proper adjudication file and indexed in EAMS.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

SECTION 10235 Improper Filing of Documents

Specific Purpose of Section 10235:

The purpose of this proposed regulation is clarify what documents should not be filed with the district office or the appeals board.

Necessity:

Although parties often attempt to file the listed documents, they are not needed in order to address the issues raised in the pleadings. This section is necessary to inform the parties to not file the listed documents and that the documents will be destroyed if sent to the district office or appeals board. It is also necessary to list the documents that should not be filed in order to reduce the amount of pages that will be scanned by the DWC staff.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

SECTION 10236 Filing of Copies of Documents

Specific Purpose of Section 10236:

The purpose of this proposed regulation is to require the parties to file only copies of original documents. The purpose is also to set forth the procedure if a party alleges that a filed document is inaccurate or unreliable. Finally, the section informs parties that original exhibits need not be retained once the exhibit has been authenticated at trial or a settlement resolving all issues is approved and the time for all appeals has been exhausted.

Necessity:

This section is necessary because all filed documents will be scanned into EAMS and then destroyed. Therefore, it is necessary for the parties to keep the original documents. Because it is possible that a copy may be altered from the original, it is necessary to have a procedure for a party to object if it alleges that the copy is inaccurate. Finally, it is necessary to inform the parties how long they need to retain an original exhibit in case there is an issue regarding its authenticity.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

SECTION 10240 Appearances Required

Specific Purpose of Section 10240:

The purpose of this proposed regulation is require the necessary parties to appear at hearings, mandatory settlement conferences, and trials.

Necessity:

It is necessary to have the parties whose interests are at stake at the hearings, mandatory settlement conferences and trial in order to resolve cases. Because there are often many lien claimants in workers' compensation cases, only those whose liens have a value of \$2,500 or more are required to appear.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

SECTION 10241 Failure to Appear

Specific Purpose of Section 10241:

The purpose of this proposed regulation is set forth the actions that may be taken by the workers' compensation administrative law judge when a party or lien claimant fails to appear at a trial, conference, or mandatory settlement conference.

Necessity:

Labor Code section 5200(c) requires that "if the dispute cannot be resolved at the conference, a trial shall be set as expeditiously as possible, unless good cause is shown why discovery is not complete." Therefore, it is necessary to continue to move forward resolving an action when a party fails to appear: either dismiss an application or submit the case for decision, unless good cause is shown for the failure to appear.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

SECTION 10243 Continuances

Specific Purpose of Section 10243:

The purpose of this proposed regulation is to set forth the fact that continuances are not favored and that a continuance will only be granted upon a showing of good cause. The purpose of this section is also to refer the public to section 10346 if reassignment is an option that will avoid a continuance.

Necessity:

Labor Code section 5200(c) requires that "if the dispute cannot be resolved at the conference, a trial shall be set as expeditiously as possible, unless good cause is shown why discovery is not complete." Therefore, although continuances are sometimes required, it is necessary to inform the public that continuances are disfavored and that a showing of good cause is required.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

SECTION 10244 Appearances in Settled Cases

Specific Purpose of Section 10244:

The purpose of this proposed regulation is to address cases where a settlement has been agreed upon but the case is still on calendar. If the parties have settled a case and have informed the workers' compensation administrative law judge, the case will be taken off calendar and the parties do not need to appear.

Necessity:

This section is necessary to save time and expense for the parties and the district offices. If a case has settled, there is no need for the parties to appear.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

SECTION 10245 Minutes of Hearing form

Specific Purpose of Section 10245:

The purpose of this proposed regulation is to provide the required minutes of hearing form.

Necessity:

This form is necessary to ensure all necessary information is provided to the parties and recorded in EAMS following a hearing.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

SECTION 10246 Electronically Filed Decisions, Finding, Awards, and Orders

Specific Purpose of Section 10246:

The purpose of this proposed regulation is to inform the public that decisions, findings, awards, and orders may be filed electronically and that an electronically filed award will have the same legal effect as a document in paper form.

Necessity:

This section is necessary because decisions, findings, awards and orders have legal significance to the parties. Because the district office will file decisions electronically into EAMS, the parties need to know that the documents will have the same legal effect as paper documents.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

SECTION 10250 Declaration of Readiness to Proceed

Specific Purpose of Section 10250:

Labor Code section 5502 provides that a hearing shall be held not less than 10 days and not more than 60 days after the date a declaration of readiness to proceed is filed. This proposed regulation is replacing section 10414 (which will be repealed by the WCAB) because the authority to promulgate rules for trial level proceedings and to prescribe the declaration of readiness form now rests with the Court Administrator.

The purpose of the declaration of readiness to proceed is to place an application or petition on calendar for a conference or hearing. The purpose of subdivision (c) is to inform parties that a false declaration may subject them to penalties or contempt.

Necessity:

This section is necessary to implement Labor Code section 5502 and to replace section 10414, which will be repealed by the WCAB. The declaration of readiness is necessary in order for the parties to have an application or petition placed on calendar. This process allows the district office to maintain the conference calendar. It is necessary to inform parties that a false declaration may subject them to penalties or contempt so that the process is not abused.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

SECTION 10250.1 Declaration of Readiness to Proceed form

Specific Purpose of Section 10250.1:

The purpose of this proposed regulation is to provide the required declaration of readiness to proceed form.

Necessity:

Labor Code section 5502 directs the Court Administrator to prescribe the declaration of readiness to proceed form. It is necessary to have a declaration of readiness form that can be filed by the parties in order to be provided with a date for a hearing. The format and spacing of this form allow data (for example, first name and last name) to be routed into EAMS when the form is scanned.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

SECTION 10251 Objection to Declaration of Readiness to Proceed

Specific Purpose of Section 10251:

Labor Code section 5502 provides authority for the promulgation of the declaration of readiness to proceed and the requirement for setting a subsequent hearing. This proposed regulation is replacing section 10416 (which will be repealed by the WCAB) because the authority to promulgate rules for trial level proceedings and to prescribe the declaration of readiness form now rests with the Court Administrator.

The purpose of this section is to provide for a procedure to object to declaration of readiness to proceed. The purpose of subdivision (b) is to inform parties that a false declaration may subject them to penalties or contempt.

Necessity:

This section is necessary to implement Labor Code section 5502 and to replace section 10416, which will be repealed by the WCAB. It is necessary to have this section to provide a party with an opportunity to object to a declaration of readiness to proceed if there are reasons why a case should not be set or why the requested proceedings are inappropriate. It is necessary to inform parties that a false declaration may subject them to penalties or contempt so that the process is not abused.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

AMENDED SECTION 10252 Expedited Hearing Calendar

Specific Purpose of Amended Section 10252:

The purpose of this amended section is to establish an expedited hearing calendar and set forth which issues may be determined at an expedited hearing. It also allows a workers' compensation administrative law judge to redesignate an expedited hearing as a mandatory settlement conference and set the case for trial. (This section amends section 10136.) The section is amended because the authority to establish an expedited hearing calendar now rests with the Court Administrator instead of the Administrative Director.

Necessity:

It is necessary to amend this section because Labor Code section 5502(b) requires the Court Administrator to establish a priority calendar for expedited hearings. It is necessary to provide an expedited hearing process for the issues listed in subdivision (a), as an employee may experience substantial harm if he or she is unable to receive medical treatment, temporary disability, vocational rehabilitation services, or compensation. It is necessary to allow a workers' compensation administrative law judge to redesignate an expedited hearing as a mandatory settlement conference and schedule it for trial when a case is not appropriate for expedited determination.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

AMENDED SECTION 10252.1 Expedited Hearing Form

Specific Purpose of Amended Section 10252.1:

The purpose of this amended section is to provide the expedited hearing form used to request an expedited hearing. (This section amends section 10137.) The section is amended because the authority to establish an expedited hearing calendar now rests with the Court Administrator instead of the Administrative Director.

The new form will be usable in EAMS.

Necessity:

It is necessary to amend this section because Labor Code section 5502 authorizes the Court Administrator to establish a priority calendar for expedited hearings. The new form, which will be readable by scanners, will be usable in EAMS.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

SECTION 10253 Settlement Conference Calendar

Specific Purpose of 10253:

The purpose of this section is to set forth the procedures for settlement conferences and set forth the authority of the workers' compensation administrative law judges to approve settlements, make rulings on evidence and discovery, decide disputes, and continue settlement conferences. The purpose is also to require the parties to file a joint pre-trial statement if the dispute does not resolve and to require the workers' compensation administrative law judge to file a summary of the conference proceedings.

Necessity:

This section is necessary to comply with Labor Code section 5502(e), to set forth the procedures for a settlement conference, and to set forth the procedures if the dispute is not resolved at the settlement conference.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

SECTION 10253.1 Pre-trial Conference Statement form

Specific Purpose of 10253:

The purpose of this section is to provide the pre-trial conference statement form that must be used to comply with Labor Code section 5502(e)(3) and section 10253(d).

Necessity:

This section is necessary to comply with Labor Code section 5502(e)(3). The new form, which will be readable by scanners, will be usable in EAMS.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

SECTION 10254 Priority Conference Calendar

Specific Purpose of Section 10254:

The purpose of this section is to establish a priority hearing calendar as required by Labor Code section 5502(c) and to set forth the requirements for requesting a priority conference and state how the conferences will be conducted by the workers' compensation administrative law judge.

Necessity:

This section is necessary in order to comply with Labor Code section 5502(c), which requires the Court Administrator to establish a priority conference calendar. It is necessary to inform the public what the requirements are for requesting a priority conference and how the conferences will be conducted so that they understand the procedure.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

SECTION 10256 Setting the Case

Specific Purpose of Section 10254:

This proposed regulation is replacing section 10420 (which will be repealed by the WCAB) because the authority to promulgate rules for trial level proceedings now rests with the Court Administrator. The purpose of this section set forth how a case is set for hearing.

Necessity:

It is necessary to replace section 10420 with this proposed section because the authority now rests with the Court Administrator. The section is necessary so that parties know how a case is set for trial and what the parties are expected to submit for decision.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

SECTION 10260 Assignment of Consolidation of Procedures

Specific Purpose of Section 10260:

The purpose of this section is to set forth when and how cases will be consolidated and how to object to the determination regarding the issue of consolidation.

Necessity:

This section is necessary as related cases are often assigned to different judges at the same district office, and cases involving the same injured worker or multiple injured workers are assigned to judges at different district offices. Because it is more efficient for the parties and the district offices to consolidate the cases, this regulation setting forth the rules regarding consolidations is needed.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

SECTION 10270 Access to and Viewing Adjudication Files

Specific Purpose of Section 10270:

The purpose of this section is to inform the public that the contents of both paper and electronic files may be inspected. The purpose of the section is also to advise the public that the files may not be removed from the district office or appeals board and that copying must be performed in the room assigned and the file must be returned in the same condition in which it was received. Finally, the purpose of the section is to state when and how a file will be sent to another location for inspection. This proposed regulation is replacing section 10753 (which will be repealed by the WCAB).

Necessity:

This section is necessary because the adjudication files are public records which must be made available for inspection with certain restrictions as required by law.

Because there are regular requests for files to be copied, it is necessary to state how that may be done.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

SECTION 10271 Prohibitions on Document Inspection

Specific Purpose of Section 10271:

The purpose of this section is to inform the public that certain documents within the adjudication files may not be inspected. This is based on the deliberative process privilege. *Rogers v. Superior Court (City of Burbank)* (1993) 19 Cal App.4th 469 discusses the “deliberative process privilege, which comes within The California Public Records Act (Gov. Code §§6250-6288) section 6255’s catchall, “...the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record.” In *Rogers*, a free lance writer requested copies of hotel bills including telephone calls made by city council members while on official business in Las Vegas, Nevada. The City provided the bills, but redacted the phone numbers. The court discusses how the Public Records Act was intended to safeguard the accountability of the government to the public, but also points out that the disclosure must be balanced against the competing interests of personal privacy. In reaching its holding the court relied on *Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325. There, the LA Times sought to obtain Governor Deukmajian’s appointment calendars and schedules for the proceeding five years. The State of California cited the “deliberative process privilege,” which protects materials reflecting deliberative or decision making processes. “The key question in every case is ‘whether the disclosure of materials would expose an agency’s decision making process in such a way as to discourage candid discussion within the agency and thereby undermine the agency’s ability to perform its function.’” The *Rogers*’ court held that its case was indistinguishable from the *Times Mirror* case and the telephone numbers were exempt from disclosure. “In both cases, disclosure of the records sought will disclose the identity of persons with whom the government official has consulted, thereby disclosing the official’s mental processes. In both cases, routine public disclosure of such records would interfere with the flow of information to the government official and intrude on the deliberative process.” *Id.* at 479.

This proposed regulation is replacing section 10753 (which will be repealed by the WCAB)

Necessity:

This section is necessary to protect the deliberative process of the workers' compensation administrative law judges and the appeals board.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

SECTION 10272 Sealing Documents

Specific Purpose of Section 10271:

The purpose of this section is to set forth the procedure regarding sealing documents in order to protect a party's privacy rights. The section is based on the exemption allowed by the Public Records Act for "personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy." Government Code section 6254(c). This proposed regulation is replacing section 10754 (which will be repealed by the WCAB)

Necessity:

Because the adjudication files are public records, it is necessary to balance the privacy rights of the individual with the public's right to public information. This section is written to take into consideration the type of records that may be sealed, the balancing factors that must be considered by the judge, and the procedures that will be followed if a record is sealed. It is necessary to consider these factors in order to comply with the Public Records Act.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

SECTION 10273 Retention, Return and Destruction of Records and Exhibits

Specific Purpose of Section 10273:

The purpose of this proposed regulation is to inform the public how long the adjudication files and stenographic reporters' notes will be retained. The purpose is also to address the destruction of original documents or other pieces of evidence.

Necessity:

This section is necessary so the public knows how long the adjudication files will be available. Because workers' compensation law allows for apportionment of prior

injuries, the records pertaining to an injury could be relevant to cases filed in the future. By retaining the listed records for fifty years, the public will have access to relevant injury records. Because original exhibits and other pieces of evidence will not be maintained in EAMS, the parties must arrange for the return of the evidence or it will be destroyed.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

SECTION 10275 Recording of Trial Level Proceedings

Specific Purpose of Section 10275:

The purpose of this proposed regulation is set forth the allowable procedures to recording, photographing or broadcasting trial level proceedings.

Necessity:

This section is necessary to inform the public when and how recordings are allowed at the district offices. It is necessary to balance the public's interest in recording proceedings with an individual's right to privacy, as well as the other factors listed in subdivision (c)(3). Subdivision (e) is necessary because some individuals use a personal recording device as a method for keeping personal notes of the proceedings. In that case, the individual must obtain advanced permission to the judge and other parties know that the proceeding is being recorded, and the individual must understand that the recording will not constitute evidence as to the matter recorded.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

SECTION 10280 Walk-Through Documents

Specific Purpose of Section 10280:

The purpose of this proposed regulation is set forth a procedure to allow certain documents to be presented to a workers' compensation administrative law judge for immediate action. The purpose of subdivision (a) is to define a "walk-through" document. The purpose of subdivision (b) is to advise the public of the hours available for walk-through proceedings. The purpose of subdivision (c) is to state which documents may be submitted on a walk-through basis. The purpose of subdivision (d) is state what documents must be presented at the walk-through and to

ensure the opposing parties receive notice of the walk-through proceeding and copies of the documents prior to the walk-through proceeding. The purpose of subdivision (e) is to advise the public how the judge will be assigned. The purpose of subdivision (f) is to explain what the judge assigned to the walk-through documents will do. Subdivision (g) explains what happens when an injured worker had a case at two or more district offices. The purpose of subdivision (h) is to explain under which circumstances a particular judge must be assigned to a walk-through proceeding. The purpose of subdivision (i) is to required a workers' compensation judge who is presented with a walk-through petition for attorney's fees or petition to compel attendance to issue an order in compliance with section 10349, which will provide an opposing party with a ten day period in which to object to the order.

Necessity:

This section is necessary to define which documents are subject to the walk-through procedures, and to set forth the procedures for filing and serving walk-through documents. The walk-through procedure is necessary to allow certain documents to be presented to a workers' compensation administrative law judge for immediate action. A walk-through procedure for settlements is necessary because the parties have agreed to settle the case, and as soon as the judge approves the settlement, the parties may close their cases and all appearances can be taken off calendar. This procedure is beneficial to the parties and the district offices. The walk-through procedure is necessary for the listed petitions because the ruling on the petitions can affect whether or not an injured worker will receive benefits. It is necessary for worker's compensation judge who is presented with a walk-through petition for attorney's fees or petition to compel attendance to issue an order in compliance with section 10349, which will provide an opposing party with a ten day period in which to object to the order, in order to project the parties' due process rights.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

SECTION 10281 Emergency Petitions for Stay

Specific Purpose of Section 10281:

The purpose of this proposed regulation is set forth a procedure for an emergency petition for stay. Emergency petitions to stay may be made for failure or refusal to submit to examination at the employer's request, for failure or refusal to submit to examination on order of the appeals board, for discovery issues, to stay (enjoin) another party from destroying evidence that may be relevant to the workers' compensation case, or for other relief that requires immediate action. The purpose of subdivision (b) is to advise the public of the hours available for assigning petitions for stay. The purpose of subdivisions (c) and (d) are to ensure the opposing parties

receive notice of the walk-through proceeding and copies of the documents prior to the walk-through proceeding. The purpose of subdivision (e) is to explain what the judge assigned to the petition will do.

Necessity:

This section is necessary to provide an emergency procedure that allows a party an opportunity to request a stay to prevent action by another party pending a hearing. Without such a procedure, relevant evidence could be destroyed before the hearing or needed benefits could be withheld.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

**SECTION 10290 Petition Appealing Order Granting or Denying Petition for
Order Requiring Employee to Select Employer-Designated
Physician**

Specific Purpose of Section 10290:

The purpose of this proposed regulation is set forth the procedure for appealing a decision granting or denying a change of primary treating physician petition pursuant to California Code of Regulations, title 8, section 9786. This proposed regulation is replacing section 10950 (which will be repealed by the WCAB).

Necessity:

This section is necessary to inform the public how to appeal the decision of the administrative director granting or denying a change of primary treating physician petition.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

SECTION 10291 Petition Appealing Notice of Compensation Due

Specific Purpose of Section 10292:

The purpose of this proposed regulation is set forth the procedure for appealing a notice of compensation due issued pursuant to California Code of Regulations, title

8, section 10110. This proposed regulation is replacing section 10952 (which will be repealed by the WCAB).

Necessity:

This section is necessary to inform the public how to appeal a notice of compensation due issued pursuant to California Code of Regulations, title 8, section 10110.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

SECTION 10293 Petition Appealing Order of the Rehabilitation Unit

Specific Purpose of Section 10293:

The purpose of this proposed regulation is set forth the procedure for appealing an order concerning vocational rehabilitation benefits. This proposed regulation is replacing section 10955 (which will be repealed by the WCAB).

Necessity:

This section is necessary to inform the public how to appeal an order of the rehabilitation unit concerning vocational rehabilitation.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

**SECTION 10294 Petition Appealing Determination of a Return to Work
Reimbursement**

Specific Purpose of Section 10294:

The purpose of this proposed regulation is set forth the procedure for appealing a determination of a return to work reimbursement issued pursuant to California Code of Regulations, title 8, section 10110.

Necessity:

This section is necessary to inform the public how to appeal a determination of a return to work reimbursement issued pursuant to California Code of Regulations, title 8, section 10110.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

SECTION 10294.5 Petition Appealing Determination Regarding Supplemental Job Displacement Benefits

Specific Purpose of Section 10294.5:

The purpose of this proposed regulation is set forth the procedure for appealing a determination regarding the supplemental job displacement benefit issued pursuant to California Code of Regulations, title 8, section 10133.54.

Necessity:

This section is necessary to inform the public how to appeal a determination regarding the supplemental job displacement benefit issued pursuant to California Code of Regulations, title 8, section 10133.54.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

SECTION 10295 Mandatory Arbitration

Specific Purpose of Section 10295:

The purpose of this proposed regulation is to set forth the procedure for submitting to mandatory arbitration as required by Labor Code section 5275(a). It sets forth the procedure for selecting an arbitrator from a panel pursuant to Labor Code section 5271 and requires the parties to provide all necessary materials to the arbitrator. The purpose is also to require a copy of the final decision, order or award to be filed with the district office, which shall scan the decision into EAMS. This proposed regulation is replacing section 10995 (which will be repealed by the WCAB).

Necessity:

This section is necessary to clarify the procedures for submitting to a mandatory arbitration and choosing an arbitrator, and to implement Labor Code sections 5270 through 5278. It is also necessary to inform the parties that they are required to use the arbitration submittal form, what the procedure is for choosing a panel arbitrator, and that they are required to provide all necessary materials to the arbitrator so that the arbitration process functions. Finally, the parties need to know that the final decision or award will be sent to the district office and scanned into EAMS.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

SECTION 10296 Voluntary Arbitration

Specific Purpose of Section 10296:

The purpose of this proposed regulation is to set forth the procedure for submitting to voluntary arbitration under Labor Code section 5275(b). It sets forth the procedure for selecting an arbitrator if the parties are unable to agree to an arbitrator under Labor Code section 5271 and requires the parties to provide all necessary materials to the arbitrator. The purpose is also to require a copy of the final decision, order or award to be filed with the district office, which shall scan the decision into EAMS. This proposed regulation is replacing section 10996 (which will be repealed by the WCAB).

Necessity:

This section is necessary to clarify the procedures for submitting to a voluntary arbitration and choosing an arbitrator, and to implement Labor Code sections 5270 through 5278. It is also necessary to inform the parties that they are required to use the arbitration submittal form, what the procedure is for choosing an arbitrator, and that they are required to provide all necessary materials to the arbitrator so that the arbitration process functions. Finally, the parties need to know that the final decision or award will be sent to the district office and scanned into EAMS.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

SECTION 10297 Arbitration Submittal form

Specific Purpose of Section 10297:

The purpose of this section is to provide the arbitration submittal form that must be used to comply with sections 10295 and 10296. The form provides the presiding workers' compensation administrative law judge with the following information: whether the arbitration is mandatory or voluntary, the issues submitted for arbitration, if an arbitrator has been agreed to, and the number of parties who will be participating in the arbitration (which determines the size of the panel of arbitrators).

Necessity:

This form is necessary to supply information to the presiding workers' compensation administrative law judge which will allow him or her to determine if arbitration is appropriate and to provide a panel of arbitrators to the parties. The new form, which will be readable by scanners, will be usable in EAMS.

Consideration of Alternatives:

No more effective alternative to the proposed regulation, nor any equally effective and less burdensome alternative, has been identified by the Court Administrator at this time.

TECHNICAL, THEORETICAL, OR EMPIRICAL STUDIES OR DOCUMENTS RELIED UPON:

None.

SPECIFIC TECHNOLOGIES OR EQUIPMENT REQUIRED:

None.

FACTS RELIED UPON IN SUPPORT OF DIVISION'S INITIAL DETERMINATION THAT THE REGULATIONS WILL NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON BUSINESS

These regulations require new forms to be used by the parties to workers' compensation actions. The forms are free and can be downloaded from the Division's website. The Labor Code's creation of the position of Court Administrator and the granting of authority over the trial level proceedings will not have an impact on business: it is merely a change of authority from the Appeals Board to the Court Administrator.