

## Department of Industrial Relations

**BUDGET NO. 7350**

**REPORT NO. 1.**

### LABOR CODE

**DIVISION 4. WORKERS' COMPENSATION AND INSURANCE [3200. - 6002.]**

*( Heading of Division 4 amended by Stats. 1979, Ch. 373. )*

**PART 4. COMPENSATION PROCEEDINGS [5300. - 6002.]**

*( Part 4 enacted by Stats. 1937, Ch. 90. )*

**CHAPTER 3. Applications and Answers [5500. - 5507.]**

*( Chapter 3 enacted by Stats. 1937, Ch. 90. )*

**5502 (d)**

(d) The administrative director shall report quarterly to the Governor and to the Legislature concerning the frequency and types of issues which are not heard and decided within the period prescribed in this section and the reasons therefor.

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
ABX4-15	Vargas	Workers' Compensation.	Amended Assembly 03/11/2004	11/30/2004 - From committee without further action.	-	Yes	Two Thirds
AB-110		Workers' compensation.	Chaptered 07/16/1993		-		
AB-276		Workers' compensation.	Chaptered 09/27/1989		-		
AB-486	Calderon	Workers' compensation: administration and benefits.	Chaptered 09/26/2002	09/26/2002 - Chaptered by Secretary of State - Chapter 866, Statutes of 2002.	-		
AB-749	Calderon	Workers' compensation: administration and benefits.	Chaptered 02/19/2002	02/19/2002 - Chaptered by Secretary of State - Chapter 6, Statutes of 2002.	-		
AB-1086	Calderon	Workers' compensation: judges: procedure.	Amended Assembly 04/14/1999	02/03/2000 - From committee: Filed with the Chief Clerk pursuant to Joint Rule 56. Died pursuant to Art. IV, Sec. 10(c) of the Constitution.	-	Yes	Majority
AB-1426	Solorio	Workers' compensation: court administrator.	Chaptered 10/07/2011	10/07/2011 - Chaptered by Secretary of State - Chapter 559, Statutes of 2011.	Secretary of State-Chaptered	Yes	Two Thirds

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-1564	Committee on Insurance	Workers' compensation.	Introduced 03/12/2009	02/02/2010 - From committee: Filed with the Chief Clerk pursuant to Joint Rule 56.	Assembly-Died - Insurance	Yes	Majority
AB-1579	Cogdill, Aghazarian, Benoit, Bogh, Daucher, Keene, Maddox, McCarthy, Richman, Wyland	Workers' compensation.	Amended Senate 07/02/2003	11/30/2004 - Died in Conference.	-	Yes	Majority
AB-2910		Workers' compensation.	Chaptered 09/30/1990		-		
AB-3758		Workers' compensation.	Chaptered 09/30/1992		-		
SB-71	Burton, Calderon	Workers' compensation: administration and benefits.	Enrolled 09/06/2001	03/09/2002 - Died on File pursuant to Joint Rule 58.5.	-		
SB-320	Solis	Workers' compensation: administration and benefits.	Enrolled 09/09/1999	01/10/2000 - Stricken from Senate file. Veto sustained.	-		
SB-758	Poochigian	Workers' compensation.	Amended Senate 04/21/2003	02/02/2004 - Returned to Secretary of Senate pursuant to Joint Rule 56.	-	Yes	Majority
SB-996	Johnston	Workers' compensation: administration and benefits.	Enrolled 08/31/2000	11/30/2000 - Died on file.	-		
SB-1768		Workers' compensation.	Chaptered 09/30/1994		-		

**COMMENTS/RECOMMENDATIONS:** The Administration has recommended deleting the existing reporting requirement and instead amending Labor Code Section 5307.2 (d) as stated below to provide more meaningful information and timeframes.

(d) The administrative director publish quarterly on the division's website the average number of days from filing of declaration of readiness until expedited hearing pursuant to subdivision (b) until mandatory settlement conference pursuant to subdivision (c), until day of trial pursuant to subdivision (e), or until priority conference pursuant to subdivision (c) as applicable

However, stakeholders support repealing the reporting requirement in its entirety and do not believe modifying the timeframes will improve the report enough to justify retaining it.

## REPORT NO. 2

### LABOR CODE

#### DIVISION 1. DEPARTMENT OF INDUSTRIAL RELATIONS [50. - 176.]

*( Division 1 enacted by Stats. 1937, Ch. 90. )*

#### CHAPTER 5. Division of Workers' Compensation [110. - 139.6.]

*( Heading of Chapter 5 amended by Stats. 2002, Ch. 6, Sec. 23.5. )*

### 111.

(a) The Workers' Compensation Appeals Board, consisting of seven members, shall exercise all judicial powers vested in it under this code. In all other respects, the Division of Workers' Compensation is under the control of the administrative director and, except as to those duties, powers, jurisdiction, responsibilities, and purposes as are specifically vested in the appeals board, the administrative director shall exercise the powers of the head of a department within the meaning of Article 1 (commencing with Section 11150) of Chapter 2 of Part 1 of Division 3 of Title 2 of the Government Code with respect to the Division of Workers' Compensation which shall include supervision of, and responsibility for, personnel, and the coordination of the work of the division, except personnel of the appeals board.

(b) The administrative director shall prepare and submit, on March 1 of each year, a report to the Governor and the Legislature covering the activities of the division during the prior year. The report shall include recommendations for improvement and the need, if any, for legislation to enhance the delivery of compensation to injured workers. The report shall include data on penalties imposed on employers or insurers due to delays in compensation or notices, or both, by category of penalty imposed.

*(Amended by Stats. 1989, Ch. 892, Sec. 11.)*

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-276		Workers' compensation.	Chaptered 09/27/1989		-		
AB-493	Tran	Employment and Benefits Appeals Board.	Amended Assembly 04/02/2009	02/01/2010 - From committee without further action pursuant to Joint Rule 62(a).	Assembly-Died - Insurance	Yes	Majority
AB-1869	Anderson	State boards and commissions: reorganization.	Amended Assembly 04/03/2008	08/31/2008 - From committee without further action pursuant to Joint Rule 62(a).	Assembly-Died - Business and Professions	Yes	Majority

### COMMENTS/RECOMMENDATIONS:

The information contained in this report is available in the annual Commission on Health and Safety and Workers' Compensation Report.

## REPORT NO. 3

### LABOR CODE

#### DIVISION 4. WORKERS' COMPENSATION AND INSURANCE [3200. - 6002.]

*( Heading of Division 4 amended by Stats. 1979, Ch. 373. )*

#### PART 1. SCOPE AND OPERATION [3200. - 4418.]

*( Part 1 enacted by Stats. 1937, Ch. 90. )*

#### CHAPTER 1. General Provisions [3200. - 3219.]

*( Chapter 1 enacted by Stats. 1937, Ch. 90. )*

#### 3201.5. (i)

(i) By June 30, 1996, and annually thereafter, the Administrative Director of the Division of Workers' Compensation shall prepare and notify Members of the Legislature that a report authorized by this section is available upon request. The report based upon aggregate data shall include the following:

- (1) Person hours and payroll covered by agreements filed.
- (2) The number of claims filed.
- (3) The average cost per claim shall be reported by cost components whenever practicable.
- (4) The number of litigated claims, including the number of claims submitted to mediation, the appeals board, or the court of appeal.
- (5) The number of contested claims resolved prior to arbitration.
- (6) The projected incurred costs and actual costs of claims.
- (7) Safety history.
- (8) The number of workers participating in vocational rehabilitation.
- (9) The number of workers participating in light-duty programs.

The division shall have the authority to require those employers and groups of employers listed in subdivision (c) to provide the data listed above.

[\(Amended by Stats. 2004, Ch. 34, Sec. 6. Effective April 19, 2004.\)](#)

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
ABX4-1	Maldonado	Workers' compensation.	Introduced 11/18/2003	11/30/2004 - From committee without further action.	-	Yes	Two Thirds
ABX4-9	Richman	Alternative workers' compensation program: agreements.	Introduced 12/05/2003	11/30/2004 - From committee without further action.	-	Yes	Majority
AB-486	Calderon	Workers' compensation: administration and benefits.	Chaptered 09/26/2002	09/26/2002 - Chaptered by Secretary of State - Chapter 866, Statutes of 2002.	-		
AB-1434	Wyland, Richman	Alternative Workers' Compensation program: agreements.	Introduced 02/21/2003	02/02/2004 - From committee: Filed with the Chief Clerk	-	Yes	Majority

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
				pursuant to Joint Rule 56. Died pursuant to Art. IV, Sec. 10(c) of the Constitution.			
AB-1564	Committee on Insurance	Workers' compensation.	Introduced 03/12/2009	02/02/2010 - From committee: Filed with the Chief Clerk pursuant to Joint Rule 56.	Assembly-Died - Insurance	Yes	Majority
AB-1579	Cogdill, Aghazarian, Benoit, Bogh, Daucher, Keene, Maddox, McCarthy, Richman, Wyland	Workers' compensation.	Amended Senate 07/02/2003	11/30/2004 - Died in Conference.	-	Yes	Majority
AB-1619	Klehs	Workers' compensation: alternative dispute resolution: exclusive bargaining representatives.	Introduced 02/22/2005	01/31/2006 - From committee: Filed with the Chief Clerk pursuant to Joint Rule 56. Died pursuant to Art. IV, Sec. 10(c) of the Constitution.	-	No	Majority
AB-2771	Richman, Nation	Workers' compensation.	Introduced 02/20/2004	11/30/2004 - From committee without further action.	-	Yes	Majority
SBX4-3	Poochigian, Aanestad, Ackerman, Ashburn, Battin, Hollingsworth, Johnson, Knight, Margett, McPherson, Morrow, Oller	Workers' compensation.	Introduced 11/19/2003	11/30/2004 - From committee without further action.	-	Yes	Two Thirds
SBX4-9	Alarcon	Workers' compensation.	Amended Senate 03/03/2004	11/30/2004 - From committee without further action.	-	Yes	Two Thirds
SBX4-13	Johnson	Workers' compensation.	Introduced 02/20/2004	11/30/2004 - From committee without further action.	-	Yes	Majority
SB-619		Vocational education: job shadowing: workers' compensation.	Chaptered 10/16/1995		-		

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
SB-853		Workers' compensation.	Chaptered 09/28/1994		-		
SB-899	Poochigian	Workers' compensation.	Chaptered 04/19/2004	04/19/2004 - Chaptered by Secretary of State. Chapter 34, Statutes of 2004. 04/19/2004 - Approved by Governor.	-		
SB-983		Workers' compensation: collective bargaining agreements.	Chaptered 07/16/1993		-		
SB-1174	Johnson	Workers' compensation.	Amended Senate 03/08/2004	11/30/2004 - From committee without further action.	-	Yes	Majority

**COMMENTS/RECOMMENDATIONS:** Stakeholders and the Assembly Labor and Insurance Committees support the elimination of this report.

## REPORT NO. 4

### LABOR CODE

#### DIVISION 4. WORKERS' COMPENSATION AND INSURANCE [3200. - 6002.]

( *Heading of Division 4 amended by Stats. 1979, Ch. 373.*  )

#### PART 1. SCOPE AND OPERATION [3200. - 4418.]

#### CHAPTER 1. General Provisions [3200. - 3219.]

( *Chapter 1 enacted by Stats. 1937, Ch. 90.*  )

#### 3201.7. (h)

(h) By June 30, 2006, and annually thereafter, the administrative director shall prepare and notify Members of the Legislature that a report authorized by this section is available upon request. The report based upon aggregate data shall include the following:

- (1) Person hours and payroll covered by agreements filed.
- (2) The number of claims filed.
- (3) The average cost per claim shall be reported by cost components whenever practicable.
- (4) The number of litigated claims, including the number of claims submitted to mediation, the appeals board, or the court of appeal.
- (5) The number of contested claims resolved prior to arbitration.
- (6) The projected incurred costs and actual costs of claims.
- (7) Safety history.
- (8) The number of workers participating in vocational rehabilitation.
- (9) The number of workers participating in light-duty programs.
- (10) Overall worker satisfaction.

The division shall have the authority to require employers and groups of employers participating in labor-management agreements pursuant to this section to provide the data listed above.

[\(Amended by Stats. 2004, Ch. 34, Sec. 7. Effective April 19, 2004.\)](#)

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
ABX4-9	Richman	Alternative workers' compensation program: agreements.	Introduced 12/05/2003	11/30/2004 - From committee without further action.	-	Yes	Majority
AB-486	Calderon	Workers' compensation: administration and benefits.	Chaptered 09/26/2002	09/26/2002 - Chaptered by Secretary of State - Chapter 866, Statutes of 2002.	-		
AB-586	Brewer	Workers' compensation.	Introduced 02/19/1999	02/03/2000 - From committee: Filed with the Chief Clerk pursuant to Joint Rule 56. Died pursuant to Art. IV, Sec. 10(c) of the Constitution.	-	Yes	Majority

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-749	Calderon	Workers' compensation: administration and benefits.	Chaptered 02/19/2002	02/19/2002 - Chaptered by Secretary of State - Chapter 6, Statutes of 2002.	-		
AB-1434	Wyland, Richman	Alternative Workers' Compensation program: agreements.	Introduced 02/21/2003	02/02/2004 - From committee: Filed with the Chief Clerk pursuant to Joint Rule 56. Died pursuant to Art. IV, Sec. 10(c) of the Constitution.	-	Yes	Majority
AB-1564	Committee on Insurance	Workers' compensation.	Introduced 03/12/2009	02/02/2010 - From committee: Filed with the Chief Clerk pursuant to Joint Rule 56.	Assembly-Died - Insurance	Yes	Majority
AB-1579	Cogdill, Aghazarian, Benoit, Bogh, Daucher, Keene, Maddox, McCarthy, Richman, Wyland	Workers' compensation.	Amended Senate 07/02/2003	11/30/2004 - Died in Conference.	-	Yes	Majority
AB-2625	Villines	Workers' compensation.	Introduced 02/19/2010	11/30/2010 - From committee without further action.	Assembly-Died - Insurance	Yes	Majority
AB-2771	Richman, Nation	Workers' compensation.	Introduced 02/20/2004	11/30/2004 - From committee without further action.	-	Yes	Majority
SBX4-9	Alarcon	Workers' compensation.	Amended Senate 03/03/2004	11/30/2004 - From committee without further action.	-	Yes	Two Thirds
SBX4-13	Johnson	Workers' compensation.	Introduced 02/20/2004	11/30/2004 - From committee without further action.	-	Yes	Majority
SB-177	Pochigian	Workers' compensation: labor-management agreements: State of California.	Amended Senate 03/30/2005	02/01/2006 - Returned to Secretary of Senate pursuant to Joint Rule 56.	-	Yes	Majority
SB-228	Alarcon	Workers' compensation.	Chaptered 10/01/2003	10/01/2003 - Chaptered by Secretary of	-		

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
				State. Chapter 639, Statutes of 2003.			
SB-899	Poohigian	Workers' compensation.	Chaptered 04/19/2004	04/19/2004 - Chaptered by Secretary of State. Chapter 34, Statutes of 2004. 04/19/2004 - Approved by Governor.	-		
SB-1174	Johnson	Workers' compensation.	Amended Senate 03/08/2004	11/30/2004 - From committee without further action.	-	Yes	Majority

**COMMENTS/RECOMMENDATIONS:** Stakeholders and the Assembly Labor & Employment and Insurance Committees support the elimination of this report.