

New Workers' Compensation Postings Required

California has approved amended regulations governing the workers' compensation notice materials employers must use to inform employees of their rights and obligations under the workers' compensation laws. The amended regulations affect the new hire pamphlets, the "Workers Compensation Claim Form (DWC-1) & Notice of Eligibility" used to report work-related injuries, and the postings that must be displayed in the worksite. All of these changes came about due to new Medical Provider Network (MPN) notice requirements.

The newly revised workplace posting, entitled "Notice to Employees – Injuries Caused by Work" must be posted no later than October 8, 2010, when the new notice regulations take effect. Failure to post the notice can lead to civil penalties. Both English and Spanish versions need to be posted. Copies of the English and Spanish versions of this posting can be downloaded at <http://www.dir.ca.gov/DWC/forms.html>. The posting of these notices should be viewed as only a temporary "fix." CNCDA FormSource is planning to offer newly updated and comprehensive workplace poster sets around the beginning of 2011, which will incorporate the new workers' compensation posting requirements and any other changes in the law.

In addition, employers using a Medical Provider Network (MPN) must, prior to implementing a MPN, post in English and Spanish a detailed and "complete" written MPN notification including, among other things, how employees can contact the MPN, how to access care, and description of services under the MPN. This notice must be placed next to the "Notice to Employees – Injuries Caused by Work" referenced above. CNCDA will be sending out an email alert on these issues in the coming weeks with more details. In the meantime, members that plan to use a MPN for workers' compensation injuries should be working with their workers' compensation carriers and the MPN to develop this notice.

CNCDA strongly encourages dealers to utilize the CNCDA FormSource posters to help dealers comply with the federal and state employment-posting requirements. The CNCDA FormSource poster sets are the only complete compliance solution for automobile dealers because, in addition to all of the other state and federal postings, the set includes the California Wage Order applicable to automobile dealers, something most other third-party products do not provide. Accordingly, poster sets from other sources will most likely not provide full compliance.

As always, CNCDA employment counsel recommends that every dealer have the latest version of all posters to provide up-to-date legal protection. If you would like additional information about this issue, please contact the Association's labor counsel, David A. Hosilyk at (650) 712-7541 or dhosilyk@employerlawyers.com.