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DWCNewsline

Division of Workers' Compensation
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Notice of rulemaking and public hearing regarding proposed changes to Workers' Compensation Appeals Board rules

The Workers' Compensation Appeals Board (WCAB) is proposing to amend, adopt and repeal certain of its Rules of Practice and Procedure (see Cal. Code Regs., tit. 8, § 10300 et seq.). The WCAB's proposed rules changes, its initial statement of reasons, and its notice of rulemaking have all been posted on the WCAB's Web site at www.dir.ca.gov/wcab/WCABPropRegs2008.htm. Although the WCAB's proposed rules changes are similar to the tentative version it posted on its Web forum for informal public comment in April 2008, there have been some changes and additions to the proposed rules since that time.

The proposed changes to the WCAB's rules are prompted by a number of factors, but, briefly, two reasons stand out.

First, in 2002, the Legislature created the position of "Court Administrator" within the Division of Workers' Compensation (DWC) and gave the court administrator rule-making authority over certain elements of "district office procedure regarding trial level proceedings of the workers' compensation appeals board." (Lab. Code, § 5307(c).) Therefore, the WCAB is proposing to delete certain of its current rules, the subject matter of which would be covered by certain proposed court administrator regulations. The court administrator recently concluded public hearings regarding his proposed regulations.

Second, DWC has been developing the Electronic Adjudication Management System (EAMS), which is a computerized system that DWC will utilize to electronically store and maintain WCAB adjudication case files and to perform various case management functions. DWC has announced that phase 1 of EAMS is scheduled to "go live" on Aug.25, 2008. Accordingly, some of the WCAB's proposed rules changes or additions result from the impending implementation of EAMS.

A public hearing has been scheduled to permit all interested persons the opportunity to present statements or arguments on the WCAB's proposed rules changes, orally or in writing, at the following date, time, and place:

Date: Friday, Sept. 12, 2008
Time: 10:00 a.m. to 5:00 p.m. or conclusion of business
Place: Hearing Room 9
Hiram Johnson Building
San Francisco Civic Center Complex

**Conference Center - Basement Level
455 Golden Gate Avenue
San Francisco, CA 94102**

Please note that public comment will begin promptly at 10:00 a.m. and will conclude when the last speaker has finished his or her presentation. If public comment concludes before the noon recess, no afternoon session will be held.

However, prior to the public hearing, any person may submit written comments on the WCAB's proposed rules changes by e-mail, regular mail, or delivery service/personal service. The address for submission of comments by electronic mail (e-mail) is WCABRules@dir.ca.gov. The address for submission of comments by mail is: Neil P. Sullivan, Assistant Secretary and Deputy Commissioner, Workers' Compensation Appeals Board, Post Office Box 429459, San Francisco, CA 94142-9459. The address for submission of comments by delivery service/personal delivery is: Neil P. Sullivan, Assistant Secretary and Deputy Commissioner, Workers' Compensation Appeals Board, 455 Golden Gate Avenue, Ninth Floor, San Francisco, CA 94102. Please note that, unless submitted at the public hearing, all written comments must be *received* by the WCAB no later than 5:00 p.m. on Sept. 12, 2008.

The WCAB prefers written comments to oral testimony. If you have provided a timely written comment, it will not be necessary to present oral testimony at the public hearing.

The WCAB encourages all interested parties to participate in this important process.

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