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State of California

DWCNewsline

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Internet Web Page: <http://www.dir.ca.gov>

Newsline No. 29-09

May 28, 2009

Department of Industrial Relations partners with community based organizations to provide extra assistance to injured workers

Pilot project in Salinas will help identify illegally uninsured employers

The Department of Industrial Relations (DIR) and the Division of Workers' Compensation (DWC) have teamed up with the Watsonville-based Workers' Compensation Enforcement Collaborative (WCEC) to overcome hurdles faced by injured workers seeking benefits when their employers are illegally uninsured. The DWC's Information and Assistance (I&A) Unit in Salinas has been planning with WCEC members and others and, on June 1, will launch a "customer service initiative" pilot project designed to help these injured workers get benefits while shining a spotlight on their illegally uninsured employers.

"Bringing DIR's divisions together in partnership with community advocates exponentially increases our effectiveness every step along the way," said DIR Director John Duncan. "Pooling our resources allows us to better serve injured workers from the moment they walk in the door. At the same time we are helping ensure fraudulent employers face prosecution. It's the best way to keep the playing field level."

The focus of the Salinas "customer service initiative" pilot project is to expand existing services to unrepresented injured workers who need help identifying the parties responsible for providing them with workers' compensation benefits, and in securing benefits from the Uninsured Employers Benefits Trust Fund (UEBTF) should the responsible parties fail to provide necessary coverage.

"Getting benefits from this fund can be a complex process, and one that is daunting for people who've already been denied their basic rights," said DWC acting Deputy Administrative Director Destie Overpeck. "We are proud to partner with workers' advocates who recognize the importance of helping individuals with limited resources get the medical and disability benefits they deserve. This is how government should work."

In addition to receiving supplementary training in investigations, beginning June 1, the I&A office in Salinas will have access to Workers' Compensation Insurance Rating Bureau (WCIRB)

coverage information and enhanced resources. The newly acquired information and resources will enable the I&A officer to identify an employer and determine whether the employer has proper insurance coverage. Once an employer is accurately identified, the I&A officer will assist workers and make it easier for them to serve court papers against illegally uninsured employers. Besides getting benefits to the injured worker, the desired outcome is that uninsured employers will be systematically reported to the Division of Labor Standards Enforcement, the Department of Insurance, and local district attorney's offices for fraud investigation.

Under California law it is a crime for an employer to not have workers' compensation insurance or permission to be self-insured. Illegally uninsured employers are subject to prosecution, imprisonment, and penalties.

"Those employers identified through this project who have not provided workers' compensation insurance to their employees will be targeted for prosecution to the full extent permitted by law by the Department of Insurance and by the District Attorneys who are participating in the Fraud Commission's anti-fraud program," said Bill Zachry, chair of the Fraud Assessment Commission.

In addition to the DIR and its divisions, members of the WCEC include the Watsonville Law Center, the Department of Insurance (DOI) Fraud Division, San Francisco, Santa Cruz, and Monterey County Offices of the District Attorney, the Fraud Assessment Commission, Kaiser Permanente, the Commission on Health and Safety and Workers' Compensation (CHSWC), U.C. Berkeley Institute for Research on Labor & Employment, the WCIRB, Salud Para La Gente, Worksafe, La Raza Centro Legal, California Rural Legal Assistance (CRLA) and the California Applicants' Attorneys Association (CAAA).

DWC will be collecting information during the Salinas "customer service initiative" pilot project to determine whether similar efforts at other I&A offices across the state would be effective.

The WCEC is a statewide collaborative of government and non-profit agencies committed to eliminating unique barriers faced by agricultural and other low-wage immigrant workers in the workers' compensation system. The overall goal of the collaborative is to improve workers' access to workers' compensation benefits through reporting and enforcement and the development of more effective statewide policies.

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