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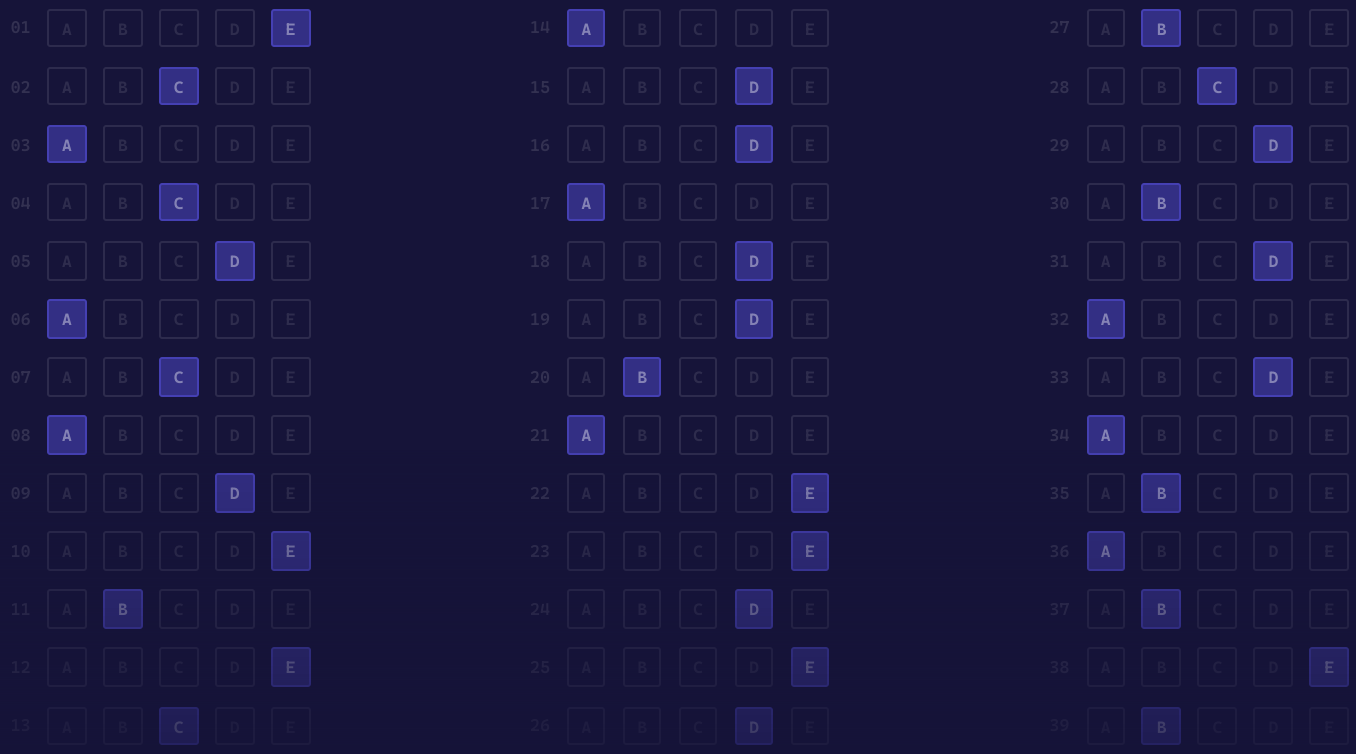

PRACTICE QUESTIONS

The State Bar of California (Legal Specialist Examination) - Test Center

WRK

Workers' Compensation Law

EDITION	QUESTIONS	FORMAT
Demo	9	Limited Edition PDF

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Before you begin

What this is

9 practice questions for The State Bar of California (Legal Specialist Examination) - Test Center `WRK`, each with its answer key and an explanation. Answer a question before you read its key — the explanation is worth more once you have committed.

If something looks wrong

Send us three things and we will check it:

- the exam code, `WRK`
- the question number
- the email address on your order

Write to **support@mometrix.net**. We reply within one business day.

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QUESTION 1 SINGLE CHOICE

Under the California Workers' Compensation Act, the system is based on which of the following fundamental principles?

A Liability is determined by proof of employer negligence

B It is a fault-based tort system requiring proof of negligence

C **It is a no-fault system providing predetermined benefits regardless of fault**

D Employees may sue employers in tort for any work-related injury

ANSWER C

WHY California's workers' compensation system is a no-fault insurance system. Employees receive predetermined benefits (medical care and indemnity payments) for work-related injuries without having to prove employer negligence, and in exchange, employers are generally shielded from tort liability by the exclusive remedy doctrine.

QUESTION 2 SINGLE CHOICE

Which of the following categories of workers is generally considered a statutory employee covered by the California Workers' Compensation Act?

A **Independent contractors performing work in the usual course of the employer's business**

B Volunteers performing charitable services with no expectation of remuneration

C Domestic workers employed by a household

D Sole proprietors working for themselves

ANSWER A

WHY Under Labor Code section 3602 and case law, workers who are formally 'independent contractors' can nonetheless be deemed statutory employees when they are performing work in the usual course of the employer's business. Domestic workers are generally not covered, and sole proprietors are excluded unless they elect to be.

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QUESTION 3 SINGLE CHOICE

Temporary disability (TD) indemnity benefits under California workers' compensation law are generally payable:

A For a maximum of 52 weeks within a 2-year period from the date of injury

B For a maximum of 104 weeks within a 5-year period from the date of injury

C For the entire duration of the employee's disability, with no statutory cap

D Only after the employee has been disabled for at least 14 days

ANSWER B

WHY Under Labor Code section 4652, temporary disability benefits are payable for a period not exceeding 104 weeks within a period of 5 years from the date of injury. This is in contrast to permanent disability benefits, which may continue longer depending on the rating.

QUESTION 4 SINGLE CHOICE

An employee's claim form for workers' compensation benefits (Application for Adjudication of Claim) is filed with which of the following?

A The Workers' Compensation Insurance Appeals Board

B The Division of Workers' Compensation (DWC) of the Department of Industrial Relations

C The California Department of Insurance

D The Workers' Compensation Appeals Board (WCAB)

ANSWER B

WHY Although disputes are resolved by the Workers' Compensation Appeals Board (WCAB), the Application for Adjudication of Claim and other procedural filings are filed with the Division of Workers' Compensation (DWC) Information & Assistance offices. The two bodies are distinct components of the California workers' compensation system.

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QUESTION 5 SINGLE CHOICE

The exclusive remedy provision of the workers' compensation law (Labor Code § 3602) generally bars an employee from suing an employer in tort for a work-related injury. Which of the following is a recognized statutory exception?

A Any injury caused by a co-worker, regardless of circumstances

B **An injury caused by the employer's willful physical assault, or by an altercation whose origin is the employer's sexual harassment or racial discrimination**

C Any minor injury not requiring medical treatment beyond first aid

D Any injury that results in less than 10% permanent disability

ANSWER **B**

WHY Labor Code § 3602(b) sets forth specific exceptions to the exclusive remedy, including an employer's willful physical assault on the employee, and altercations whose origin is the employer's racially or sexually discriminatory conduct. These narrow exceptions allow civil actions outside of the workers' compensation system.

QUESTION 6 SINGLE CHOICE

Under California law, a 'cumulative trauma' injury is best defined as:

A A single specific incident causing an identifiable physical wound

B **An injury caused by repetitive activities over time, with the date of injury being the last date worked**

C An injury caused exclusively by emotional stress in the workplace

D An injury that occurs while commuting to or from work

ANSWER **B**

WHY A cumulative trauma (CT) injury arises from repetitive work activities over a period of time, rather than a single incident. Under Labor Code § 5412, the date of injury for a cumulative trauma claim is generally the last date the employee worked for the employer.

QUESTION 7 SINGLE CHOICE

Under California law, which of the following statements accurately reflects an employer's obligation regarding workers' compensation coverage?

A Only employers with more than 25 employees must provide workers' compensation insurance

B **Every employer operating in California, regardless of the number of employees, must provide workers' compensation coverage or qualify as a self-insured employer**

C Employers may elect to opt out of the workers' compensation system for any employee earning more than $100,000 per year

D Only hazardous industries are required to provide workers' compensation insurance

ANSWER B

WHY California requires virtually all employers to provide workers' compensation coverage for their employees (Labor Code § 3700). There is no minimum employee threshold in California as there is in some other states, and no lawful option to opt out for high-income employees.

QUESTION 8 SINGLE CHOICE

An employer's 'serious and willful misconduct' under Labor Code § 4553 entitles an employee to an additional award against the employer. What is the maximum additional award available?

A 10% of the employee's total compensation

B **Up to one-half of the compensation otherwise payable, capped at $10,000**

C One year's salary of the injured employee

D An amount determined solely by the Workers' Compensation Appeals Board with no statutory cap

ANSWER B

WHY Labor Code § 4553 provides for an additional award of up to one-half (50%) of the compensation otherwise payable, but capped at a statutory maximum (which has been $10,000 in recent versions of the statute). This penalty applies when the employer's serious and willful misconduct proximately causes the employee's injury.

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QUESTION 9 SINGLE CHOICE

Which of the following best describes the constitutional basis for the California Workers' Compensation Act?

A It was established by a ballot initiative approved by California voters in 1911.

B **It derives from an express grant of authority in Article XIV, Section 4 of the California Constitution.**

C It was enacted by the California Legislature pursuant to the federal Occupational Safety and Health Act.

D It originates from a constitutional amendment ratified in 1914 that required private employers to carry insurance.

ANSWER B

WHY The California Workers' Compensation Act derives its constitutional authority from Article XIV, Section 4 of the California Constitution, which originally authorized the Legislature to create a workers' compensation system. The other options misstate the origin: it was not a ballot initiative, it is not based on federal OSHA, and the 1914 date does not correspond to the constitutional provision that underlies the Act.

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