Answers to the Workers’ Compensation Law Specialty Certification Sample Questions

Sample question: The law governing recovery in a "mental stress causing mental disability case" is best described as follows:

A. Under a statutory provision, the claimant must prove that "abnormal working conditions" caused claimant's injury; what is abnormal must be considered vis-à-vis claimant's occupation.
B. Under case law, the claimant must prove that "abnormal working conditions" caused his injury; what is abnormal must be considered vis-à-vis claimant's occupation.
C. Under a statutory provision, such claims are not compensable: "For the purposes of this chapter, no alleged injury or disease shall be recognized as a compensable injury or disease which was solely caused by nonphysical means and which did not result in any physical injury or disease to the person claiming benefits. It is the purpose of this section to clarify that so-called mental-mental claims are not compensable. ..."
D. Under case law, such claims are not compensable. According to the court, "The business-friendly reforms of Act 57 of 1996 cause us to believe that we can no longer infer that mental stress causing mental disability injuries, with their inherent subjectivity, are to be compensated in the Commonwealth."

B. is correct.
A. is incorrect. No statute addresses this issue.
C. is incorrect. This is the language of the West Virginia Workers’ Compensation Act.
D. is incorrect. This language, though perhaps in the prose of an appellate court opinion, is fictional.

Sample question: The law surrounding determination of whether an injured worker is an employee or independent contractor can best be described as follows:

A. The definitions of these work categories are governed entirely by the common law (i.e., court decisions).
B. The definitions of these work categories are governed entirely by provisions of the Workers’ Compensation Act.
C. The definitions of these work categories are governed by a combination of provisions of the Workers’ Compensation Act, another statute of recent enactment addressing the construction industry, and the common law (i.e., court decisions).
D. The definitions of these work categories are governed by federal law, and necessarily, because of preemption, mirror the rules surrounding the employee/independent contractor distinction for federal income tax purposes.

C. is correct.
A. cannot be correct. Sections 102 and 103 of the act provide basic definitions of employee and employer. They are the starting point of every analysis.
B. cannot be correct. The various appellate courts deal with this issue in their decisions all the time. See Southland Cable Co. v. WCAB (Emmett), 598 A.2d 329 (Pa. Commw. 1991).
D. is incorrect. The answer is entirely contrived and inconsistent with Pennsylvania law.