Types of Benefits

Medical Benefits
Your employer must pay for all reasonable and necessary medical care required to treat your injury. This includes reasonable and necessary travel expenses for treatment. Mileage for use of a private car is reimbursed at 517(85.27).

Under certain circumstances, if you are required to leave work for medical treatment, you may receive payment of lost wages. (85.27)

A medical care provider cannot seek payment of charges for treatment from you while a contested proceeding or a dispute as to the reasonableness of a medical treatment fee is pending before the Workers’ Compensation Commissioner. (85.27)

Disability Benefits
Your total weekly compensation benefit may not be greater than 80 percent of your earnable earnings. The laws define “spendable earnings” as your wages less FICA and other payroll taxes deducted from gross weekly earnings.

Your average gross weekly earnings, income tax exemptions and marital status determine your weekly disability benefit amount. The weekly benefit amount is based on a seven day calendar week.

Types of Disability Benefits

Temporary Total Disability (TTD) (85.32, 85.33(1))

If you are off work more than three calendar days on account of injury, you may be entitled to TTD benefits beginning on the fourth day and continuing until you return to work or are medically recovered enough to return to similar work, whichever happens first. If you are off work for more than 14 calendar days, you may be entitled to payment for the time after 14 calendar days.

Temporary Partial Disability (TPD) (85.33(2)-5)

If you return to work at a lesser paying job because of the injury, you may be entitled to benefits. The benefit amount is 517(85.23) percent of the difference between your average gross weekly earnings when injured and your actual earnings while temporarily working at the lesser paying job. The three-day waiting period (explained above) also applies to temporary partial disability.

Types of Settlements

The Workers’ Compensation Commissioner must approve all settlements involving work injuries. The law allows four different types of settlements:

1. Agreement for Settlement
2. Partial Commutation
3. Lump Sum Compromise
4. The Agreed Settlement

Each type of settlement pays a part or all of remaining future weekly benefits in a lump sum. An approved partial commutation contains you and your employer’s (and its carrier’s) agreement that you are entitled to disability benefits. It does not end your right to future weekly benefits.

Agreement for Settlement (85.35, 85.13)

An agreement for settlement is a voluntary agreement between you and your employer (and its carrier) as to the amount of future compensation payments you are currently due. The Workers’ Compensation Commissioner’s approval of the agreement does not end your future rights to additional weekly benefits or additional medical benefits.

Compromise Settlement (85.35)

A compromise settlement is possible when you and your employer (and its carrier) disagree as to whether you are entitled to receive workers’ compensation benefits.

Partial Commutation (85.45, 85.47, 85.48)

A partial commutation pays a part of remaining future weekly benefits in a lump sum. It is considered a voluntary settlement.

Lump Sum Compromise (85.35, 85.36, 85.40)

A lump sum compromise is an agreement by which you receive a lump sum payment in exchange for your future compensation payments in full or in part. It is considered a voluntary settlement.

Agreed Settlement (85.35, 85.45, 85.47)

An agreed settlement pays a part of remaining future weekly benefits in a lump sum. An approved partial commutation contains you and your employer’s (and its carrier’s) agreement that you are entitled to disability benefits. It does not end your right to future weekly benefits or additional medical benefits.
This brochure answers questions injured workers commonly ask about workers’ compensation. You may check Iowa Code chapters 85 through 87 and 17A, as well as Iowa Administrative Code chapter 876, for detailed information. References to Iowa Code sections and Iowa Administrative Rules appear in parentheses.

**WHAT IS WORKERS’ COMPENSATION?**

The Iowa Workers’ Compensation law requires most employers to provide wage loss and medical benefits to employees who are injured while working. (85.61(7))

**TYPES OF INJURIES COVERED**

In Iowa, an injury may include any health condition caused by work activities other than the normal building up and tearing down of body tissues. Diseases and hearing losses caused by work activities or exposures are also injuries. (85A, 85B) Preexisting health conditions are not considered injuries unless work aggravates or worsens them.

**ELIGIBILITY FOR WORKERS’ COMPENSATION BENEFITS**

Most employers who are injured in Iowa while working in Iowa are eligible for benefits. The law exempts a few types of employers, however, if you are uncertain as to whether employers in your job classification are eligible for benefits, consult with a Workers’ Compensation Compliance Administrator with the Division of Workers’ Compensation. Proprietors (independent contractors), limited liability company members and partners are not considered employees. These individuals may be eligible for benefits if they purchase a workers’ compensation insurance policy that specifically includes them. (85.1A, 85.61(13))

**CHOOSING THE MEDICAL CARE**

The employer has the right to choose the medical care and must provide medical care reasonably suited to treat your injury. If you are dissatisfied with that care, you should discuss the problem with your employer (or its insurance carrier). You can request alternate care, and if your employer (or its carrier) does not allow that care, you may file a petition for alternate medical care before the Iowa Workers’ Compensation Commissioner. (85.27)

**HOW ARE DISPUTES HANDLED?**

When you and your employer (and its insurance carrier) work together and openly communicate, the majority of workers’ compensation claim disputes can be resolved. You have a right to know why your employer (and its carrier) has taken any action and the relevant evidence supporting the action. When a dispute cannot be resolved among the parties, you are encouraged to contact a Workers’ Compensation Compliance Administrator in the Iowa Workers’ Compensation Commissioner’s Office to discuss the situation. If the dispute cannot be resolved, you may file a contested case proceeding before the Iowa Workers’ Compensation Commissioner. While the commissioner does not require it, most employers are represented by legal counsel in a contested case proceeding.

**WHO OVERSEES DISPUTES?**

The Iowa Workers’ Compensation Commissioner is the head of the Division of Workers’ Compensation which is part of Iowa Workforce Development. The commissioner is responsible for administering, regulating and enforcing the workers’ compensation laws. By law, the Division of Workers’ Compensation cannot represent the interest of any party. The Division does provide information concerning the workers’ compensation law, the rights of the parties and the procedures the parties can follow to resolve their disputes.

**WHO PAYS THE BENEFITS?**

Employers subject to the law must either purchase insurance through a private insurance company or qualify as a self-insurer. (85.3, 87.1, 87.11) If the employer provides coverage by purchasing an insurance policy, the insurance company (or a claim administrator) pays the injured worker the workers’ compensation benefits. If the employer is self-insured, the employer (or a claim administrator) pays the injured worker the workers’ compensation benefits.

**WHEN ARE THE BENEFITS TO BE PAID?**

The law encourages prompt payment of weekly and medical benefits so that injured workers will not suffer undue hardship. Most insurance carriers or self-insured employers require a written report of injury (usually from the employer) and medical evidence of the injury before beginning payments. Weekly payments of disability benefits are to begin on the eleventh day of disability. If benefits are not paid when due, you may be entitled to interest on late payments. If benefits are unreasonably delayed or denied, you may be entitled to penalty benefits. (85.30, 86.12) Once benefits start, payments can only stop when you have returned to work or after your employer (or its carrier) has given you thirty days notice that payments are stopping. The notice must tell you why payments are stopping and advise you that you may file a claim with the Workers’ Compensation Commissioner. (86.13)

**APPENDIX A**

Appendix A contains the number of weeks of benefits payable for 100% loss, or loss of use, of the body member. Should the PPD rating be less than 100%, the percentage rating is multiplied by the number of weeks shown. For example, a 20% loss, or loss of use, of a thumb would be computed as 20% of 60 weeks, or 12 weeks of PPD benefits.

<table>
<thead>
<tr>
<th>Appendix A</th>
<th>Sale of benefits payable for 100% loss, or loss of use, of the body member</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loss of thumb</td>
<td>60</td>
</tr>
<tr>
<td>Loss of first finger</td>
<td>35</td>
</tr>
<tr>
<td>Loss of second finger</td>
<td>30</td>
</tr>
<tr>
<td>Loss of third finger</td>
<td>25</td>
</tr>
<tr>
<td>Loss of fourth finger</td>
<td>20</td>
</tr>
<tr>
<td>Loss of hand</td>
<td>190</td>
</tr>
<tr>
<td>Loss of great toe</td>
<td>250</td>
</tr>
<tr>
<td>Loss of any other toe</td>
<td>15</td>
</tr>
<tr>
<td>Loss of foot</td>
<td>150</td>
</tr>
<tr>
<td>Loss of leg</td>
<td>220</td>
</tr>
<tr>
<td>Loss of eye</td>
<td>140</td>
</tr>
<tr>
<td>Loss of hearing in one ear</td>
<td>50</td>
</tr>
<tr>
<td>Loss of hearing in both ears</td>
<td>175</td>
</tr>
<tr>
<td>Permanent disfigurement, face or head</td>
<td>150</td>
</tr>
<tr>
<td>Body as a whole/industrial disability</td>
<td>500</td>
</tr>
<tr>
<td>Shoulder</td>
<td>400</td>
</tr>
</tbody>
</table>

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