



SETTLEMENTS

You and your employer (and the insurance carrier, if applicable) may agree to settle your work comp claim.

DWC must approve any settlement involving a work injury.

If you are not represented by an attorney, you must include a certified and signed Claimant's Statement with your settlement documents when you submit them to DWC.

Iowa law allows for the types of settlements described below.

Full Commutation

A full commutation pays all remaining future benefits in one lump sum. Because an approved full commutation ends your right to additional weekly benefits and may end your right to future medical benefits, it must show that you have a specific need for the full benefit payment now and that the lump sum payment is in your best interest.

Partial Commutation

A partial commutation pays a part of remaining future benefits in a lump sum. An approved partial commutation includes an agreement between you and your employer (and the insurance carrier, if applicable) that you are entitled to disability benefits. It does not end your right to future weekly or medical benefits.

Agreement for Settlement

An agreement for settlement is a voluntary agreement between you and your employer (and the insurance carrier, if applicable) as to the amount and type of benefits you are currently due. DWC approval of the agreement does not end your future right to additional benefits.

Compromise Settlement

A compromise settlement is a voluntary agreement between you and your employer (and the insurance carrier, if applicable) as to your entitlement to benefits. An approved compromise settlement ends any right to future weekly benefits and may end your right to medical benefits relating to the work injury that is the subject of the settlement.



IOWA LAW

Work comp in Iowa is governed by:

- Iowa Code sections 85, 85A, 85B, 87, and 10A.303 through 10A.333; and
- Iowa Administrative Code chapter 876.

To view online, go to: www.legis.iowa.gov/law

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Questions & Answers for Injured Workers

This brochure provides answers to common questions injured workers have about workers' compensation (work comp) in Iowa.

Effective: July 1, 2023 – June 30, 2024



IOWA DIVISION OF WORKERS' COMPENSATION

The Iowa Division of Workers' Compensation (DWC) is a part of the Iowa Department of Inspections, Appeals & Licensing (DIAL).

DWC is the neutral government entity that administers Iowa's work comp laws and serves as the neutral tribunal that decides disputed cases involving injured workers, employers, and insurance carriers.

DWC does not pay work comp benefits.

Because DWC is a neutral government entity, it cannot represent a party's interests or give legal advice.

DWC provides general information to the public regarding Iowa work comp law and the rights and responsibilities of workers, employers, and insurance carriers under it.

More resources are available on the DWC website.

www.IOWAWORKCOMP.gov

Equal Opportunity:

Auxiliary aids and services are available upon request for individuals with disabilities. For deaf or hard of hearing, use Relay 711.



GENERAL INFORMATION

What is workers' compensation?

Iowa work comp law requires most employers to provide wage loss and medical benefits to employees who are injured while working.

What types of injuries are covered?

In Iowa, an injury may include a health condition caused by work activities other than the normal building up and tearing down of body tissues.

Diseases and hearing loss caused by work activities or exposures also qualify as work injuries if caused by employment.

Preexisting conditions are not considered work injuries unless your employment aggravates or worsens them.

What workers are eligible for work comp benefits?

Most employees injured while working in Iowa are eligible for benefits. Iowa law exempts some employees. Other employees (e.g., independent contractors, limited liability company members, and partners) are not covered unless they purchase a work comp insurance policy that expressly includes them.



TIME LIMITATIONS

How long does a worker have to give notice of an injury?

Unless your employer has notice or knowledge of your asserted injury within 90 days of its occurrence, you may be denied benefits. The 90-day period begins to run when you knew or should have known that your injury or condition related to your work.

If the employer pays work comp benefits relating to an alleged injury, how long do you have to file a petition with DWC?

If you receive weekly work comp benefits relating to an injury, you have 3 years from the last payment of those benefits to file a petition with DWC. If you do not file a petition within the 3-year period, you may be denied additional weekly benefits.

If the employer does not pay any work comp benefits relating to an alleged injury, how long do you have to file a petition with DWC?

If you do not receive weekly work comp benefits relating to an injury, you have 2 years from the date of injury to file a petition with DWC. If you do not file a petition within the 2-year period, you may be denied benefits.

How long do you have to file a petition with DWC relating to medical care?

There is no limitations period relating to the receipt of medical care for a work injury or filing a petition with DWC relating to such care.



DISPUTES

How are disputes handled?

When you and your employer (and its insurance carrier, if applicable) work together and openly communicate, the majority of disputes can be resolved. You have a right to know why your employer (or the insurance carrier) has taken any action and the relevant evidence supporting it. If you cannot resolve a dispute, you may file a petition with DWC to start a contested case proceeding. While DWC does not require it, most workers are represented by an attorney in such proceedings.



MEDICAL BENEFITS

Who chooses medical care?

Your employer has the right to choose care. Iowa law requires your employer to provide care reasonably suited to treat your injury. If you are dissatisfied with your care, you should discuss the issue with your employer (or the insurance carrier). You may request alternate care from your employer (or the insurance carrier). If your request is denied, you may file a petition for alternate care with DWC.

Who pays for medical care?

Your employer must pay for all reasonable and necessary medical care required to treat your work injury.

Who pays for travel expenses relating to care?

The employer must pay for reasonable and necessary travel expenses incidental to an examination or medical care.

What is the mileage reimbursement rate?

Mileage incidental to the use of a private auto during the effective time period of this brochure is reimbursed at the rate of 65.5 cents per mile.

Must you share medical information?

Any party making or defending a claim for benefits must release all information concerning the worker's physical or mental condition relative to the claim and waives any privilege for the release of such information to any party or party's representative upon request.

Do you get paid for missing work to receive medical care?

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

Can care providers seek payment for care relating to my work injury while my case is pending before DWC?

A medical care provider cannot seek payment of charges for care from you while your case is pending or a dispute as to the reasonableness of the treatment fee is pending before DWC.



DISABILITY BENEFITS

If you are injured at work, you may be entitled to one or more of the types of disability benefits described below.

Temporary Total Disability (TTD)

When you are off work for more than 3 calendar days because of an injury, you may be entitled to TTD benefits beginning on the 4th 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 3-day waiting period.

Temporary Partial Disability (TPD)

If you return to work at a lesser paying job because of your work injury, you may be entitled to TPD benefits. The benefit amount is 66 2/3 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 3-day waiting period explained above also applies to TPD benefits.

Healing Period (HP)

You may be entitled to HP benefits while recovering from an injury which causes a permanent impairment. No waiting period applies to HP benefits. These benefits begin on the first calendar day after the date of injury and continue until the first of the following occurs:

- You return to work.
- You have recovered as much as anticipated from the injury.
- You are medically capable of returning to work substantially similar to the work you did when injured.

Permanent Partial Disability (PPD)

If your work injury causes permanent impairment to your body, a permanent restriction, or an inability to earn wages similar to those earned before the injury, you may be entitled to PPD benefits in addition to HP benefits. The number of weeks of PPD benefits to which you are entitled is determined based on the body part your injured and whether it is listed on the schedule in the Iowa Code.

How is your entitlement to PPD benefits determined if your work injury is to a body part listed in the schedule?

If your work injury is to a body part listed on the schedule, your PPD benefits are based on functional disability, not your lost earning capacity.

The schedule assigns a maximum number of weeks of PPD benefits an injured worker may receive for a 100% impairment to each body part.

If your impairment is less than 100% of a scheduled body part, the number of weeks of PPD benefits you may receive is calculated by multiplying the percentage loss by the total weeks assigned to the body part.

Schedule

BODY PART	WEEKS
Thumb	60
First Finger	35
Second Finger	30
Third Finger	25
Fourth Finger	20
Hand	190
Arm	250
Great Toe	40
Any Other Toe	15
Foot	150
Leg	220
Eye	140
Hearing in One Ear	50
Hearing in Both Ears	175
Permanent Disfigurement to Face or Head	150
Shoulder	400
Body as a Whole (Industrial Disability)	500

Examples of Functional Disability:

- If a work injury causes a 100% permanent impairment to your thumb, you would be entitled to 60 weeks of benefits.
- If a work injury causes a 50% permanent impairment to your shoulder, you would be entitled to 200 weeks of PPD benefits.
- If a work injury causes a 20% permanent impairment to your arm, you would be entitled to 50 weeks of PPD benefits.

How is your entitlement to PPD benefits determined if your work injury is to a body part not listed on the schedule?

If your injury is to a body part not listed on the schedule, your PPD benefits are based on your industrial disability, which is determined by assessing your lost earning capacity. Industrial disability is determined on a case-by-case basis using the following factors: functional impairment, age, education, work history, training, motivation, earnings before and after the injury, loss of ability to perform the job you had at the time of the work injury, and other personal characteristics. Industrial disability is calculated out of 500 weeks with the percentage rating of industrial disability multiplied by 500 weeks.

How is your entitlement to PPD benefits determined if your employer offers you work at the same or greater earnings?

If your employer offers you work at the same or greater wages as those you earned at the time of injury, your entitlement to PPD benefits is based on the functional impairment caused by the injury.

Permanent Total Disability (PTD)

If your work injury leaves you incapable of performing work that your experience, training, intelligence, and physical capacities would otherwise permit you to perform, you may be entitled to PTD benefits. You may not receive PTD benefits if you are also receiving unemployment benefits or weekly earnings that exceed 50 percent of the statewide average weekly wages.

Who pays benefits?

Employers covered by Iowa work comp law must either purchase insurance through a private insurance carrier or qualify as a self-insured employer. Sometimes the employer or insurance carrier contracts with a third-party administrator (TPA) to pay benefits. If the employer provides coverage through a private insurance policy, the insurance carrier (or TPA) pays benefits. If the employer qualifies as a self-insured employer, the employer (or TPA) pays benefits.

What happens if an employer fails to provide work comp insurance coverage?

An employer must either obtain work comp insurance coverage or obtain relief from insurance or furnish a bond before engaging in business. An employer who willfully and knowingly engages in business before doing any of these things is guilty of a class "D" felony under Iowa law.

If your employer fails to provide insurance coverage as required by law, you may either file a petition with DWC to start a contested case proceeding or bring a civil action in district court.

When are benefits to be paid?

The law encourages prompt payment of benefits so that injured workers do not suffer undue hardship. Most insurance carriers and 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.

What happens if there is a late payment of benefits?

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 a penalty on the amount of benefits delayed or denied.

When do benefit payments stop?

Once benefits start, payments can only stop when you have returned to work or after your employer (or its insurance carrier) has given you notice 30 days in advance that payments are stopping. The notice must tell you why payments are stopping and advise you that you may file a claim with DWC.

How is your weekly benefit rate determined?

The weekly rate of TTD, HP, PPD, and PTD benefits is based on your marital status and number of exemptions at the time of injury. Generally, the rate is 80% of your "spendable earnings," which is the amount remaining after payroll taxes are deducted from your gross weekly earnings.

What happens if there is a partial week of benefits?

The weekly benefit rate is based on a 7-day calendar week. The amount of benefits for a partial week is calculated by multiplying your weekly benefit rate by the decimal equivalent of the number of days:

1 day = .143	3 days = .429	5 days = .714
2 days = .286	4 days = .571	6 days = .857

What is the maximum weekly benefit rate?

For work injuries sustained during the effective time period of this brochure, the maximum weekly rate for TTD, HP, PTD, and death benefits is \$2,199.00. For PPD benefits, it is \$2,2023.00.

What is the minimum weekly benefit rate?

For work injuries sustained during the effective time period of this brochure, the minimum weekly rate for TTD and HP benefits is the lower amount of either your spendable earnings or \$385.00. For PPD, PTD, and death benefits, it is \$385.00.

OTHER BENEFITS

Second Injury Fund Benefits (SIF)

If you have had a permanent disability to a hand, arm, foot, leg, or eye and then have a work injury that results in PPD to another hand, arm, foot, leg, or eye, you may be entitled to SIF benefits. These benefits are paid for any amount of industrial disability greater than the combined disability caused by the first and second injuries after your employer (or its insurance carrier) has paid all PPD benefits to which you are entitled because of the second injury. If you believe you are entitled to SIF benefits, contact the State of Iowa Treasurer's Office for a claim form.

Vocational Rehabilitation Benefits (VR)

Iowa Vocational Rehabilitation Services (IVRS) is an employment program for individuals who experience a disability. If you are actively participating in IVRS to help you return to gainful employment, you may be entitled to payment of \$100.00 per week for up to 13 weeks during your participation. DWC may extend your receipt of VR benefits for an additional 13 weeks if you continue to participate. For more information about IVRS, go to: www.ivrs.iowa.gov

Death Benefits

If you were dependent on someone who died because of a work injury, you may be entitled to death benefits. If you are a dependent child, you may receive benefits until age 18 or, if actually dependent, until age 25. If you are a surviving spouse, you may receive benefits for life or until remarriage. If you remarry and the deceased worker has no dependent children at the time of your remarriage, you are entitled to a 2-year lump sum settlement. In addition to weekly death benefits, the employer of the deceased worker (or the insurance carrier) must pay reasonable burial expenses not to exceed 12 times the statewide average weekly wage in effect at the time of death.

Vocational Education & Training Benefits

If you sustained a work injury to your shoulder, you may apply to Iowa Workforce Development (IWD) to determine your eligibility for vocational education and training benefits using the online form at:

www.iowaworkforcedevelopment.gov/ppsi