

CHAPTER 2
GENERAL PROVISIONS

[Prior to 9/24/86 see Industrial Commissioner[500]]

[Prior to 1/29/97 see Industrial Services Division[343]]

[Prior to 7/29/98 see Industrial Services Division[873]Ch 2]

876—2.1(86) Extending time and continuances. The workers' compensation commissioner or a deputy workers' compensation commissioner may modify the time to comply with any rule for good cause.

This rule is intended to implement Iowa Code chapter 86.
[ARC 6841C, IAB 2/8/23, effective 3/15/23]

876—2.2(85,85A,85B,86,87) Applicability. When appropriate, all rules shall apply to Iowa Code chapters 85, 85A, 85B, 86 and 87.

This rule is intended to implement Iowa Code chapters 85, 85A, 85B, 86 and 87.
[ARC 6841C, IAB 2/8/23, effective 3/15/23]

876—2.3(86,87) Representative within the state. All licensed insurers, foreign and domestic, insuring workers' compensation and all employers relieved from insurance pursuant to Iowa Code section 87.11 shall designate one or more persons geographically located within the borders of this state, which person or persons shall be knowledgeable of the Iowa workers' compensation law and rules and shall be given the authority and have the responsibility to expedite the handling of all matters within the scope of Iowa Code chapters 85, 85A, 85B, 86, and 87.

The Iowa workers' compensation commissioner shall be advised by letter of the name, address, and telephone number of each of the persons so designated. Any change in the identity, address or telephone number of the persons so designated shall be reported to the Iowa workers' compensation commissioner within ten days after such change occurs.

This rule is intended to implement Iowa Code chapters 86 and 87.
[ARC 6841C, IAB 2/8/23, effective 3/15/23]

876—2.4(85,86) Guides to evaluation of permanent impairment. The Guides to the Evaluation of Permanent Impairment, Fifth Edition, published by the American Medical Association are adopted for determining the extent of loss or percentage of impairment for permanent partial disabilities and payment of weekly compensation for permanent partial scheduled injuries under Iowa Code section 85.34(2) not involving a determination of reduction in an employee's earning capacity. Payment so made shall be recognized by the workers' compensation commissioner as a prima facie showing of compliance by the employer or insurance carrier with the foregoing sections of the Iowa workers' compensation Act. Nothing in this rule shall be construed to prevent the presentations of other medical opinions or other material evidence for the purpose of establishing that the degree of permanent disability to which the claimant would be entitled would be more or less than the entitlement indicated in the Guides to the Evaluation of Permanent Impairment, Fifth Edition, when the reduction in earning capacity for all other permanent partial and permanent total disabilities is determined.

This rule is intended to implement Iowa Code sections 85.34(2) and 86.8.
[ARC 3528C, IAB 12/20/17, effective 1/24/18]

876—2.5(85,85A,85B,86) Use of workers' compensation electronic system (WCES) for submission of filings. Electronic data interchange (EDI) information, forms, pleadings, responses, motions, briefs, and any other submissions shall be filed through the workers' compensation electronic system (WCES). The website address for WCES is www.iowaworkcomp.gov/efile. Any electronic filing that is quarantined due to a virus will not be considered received.

2.5(1) The division of workers' compensation may grant a request for waiver of the mandatory use of WCES in contested cases, pursuant to rule 876—12.4(17A).

2.5(2) Only a deputy workers' compensation commissioner or the workers' compensation commissioner can grant a request for waiver of the mandatory use of WCES in a contested case.

2.5(3) If the division of workers' compensation grants a waiver of the mandatory use of WCES in a contested case, the division of workers' compensation shall file paper documents received from the filer in WCES.

This rule is intended to implement Iowa Code chapters 85, 85A, 85B and 86.
[ARC 4568C, IAB 7/31/19, effective 7/10/19; ARC 6841C, IAB 2/8/23, effective 3/15/23]

876—2.6(85,85A,85B,86) Information to employees. An employer or its insurance carrier filing a final subsequent report of injury (SROI) with the workers' compensation commissioner (see 876—subrule 3.1(2)) shall also mail a copy of the information contained on the final subsequent report of injury to the employee at the employee's last-known address.

This rule is intended to implement Iowa Code sections 85.26, 86.8, 86.11 and 86.13.

876—2.7(86) Official record. The electronic record made and maintained by the division of workers' compensation is the official record of a contested case.

This rule is intended to implement Iowa Code chapters 85, 85A, 85B and 86.
[ARC 4568C, IAB 7/31/19, effective 7/10/19; ARC 6841C, IAB 2/8/23, effective 3/15/23]

876—2.8(86) Document requirements. Pleadings, responses to pleadings, exhibits, and transcripts submitted to the division of workers' compensation shall be scanned, attached, and filed in portable document format (pdf) or as image-on-text documents (searchable pdf). A hearing report or proposed order or proposed ruling shall be submitted as a pdf or searchable pdf. Transcripts submitted shall include an index. Filings shall not exceed 20 megabytes (MB). Documents exceeding 20 MB shall be divided and submitted as separate attachments to comply with this size limit. All filings pursuant to this rule shall be submitted via WCES unless otherwise ordered by the workers' compensation commissioner or a deputy workers' compensation commissioner. Audio or video files shall use MP3 or MP4 format and should be submitted with a virus-scanned USB drive and shall not exceed 500 MB for each filing.

This rule is intended to implement Iowa Code chapters 85, 85A, 85B and 86.
[ARC 4568C, IAB 7/31/19, effective 7/10/19; ARC 6841C, IAB 2/8/23, effective 3/15/23]

876—2.9(86) Effective date of WCES rules. Rescinded ARC 6841C, IAB 2/8/23, effective 3/15/23.

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