

MAR 12 1986

Place On Calendar

HOUSE FILE 2456
BY COMMITTEE ON LABOR AND
INDUSTRIAL RELATIONS

(Formerly House Study Bill 781)

Passed House, Date 3-20-86 (p. 939) Passed Senate, Date 4-3-86 (p. 1040)
Vote: Ayes 93 Nays 0 Vote: Ayes 46 Nays 0
Approved April 18, 1986 (p. 1575)

A BILL FOR

1 An Act relating to workers' compensation benefits for persons
2 receiving employment training or employment evaluations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2456

1 Section 1. NEW SECTION. 85.60 INJURIES WHILE IN
2 EMPLOYMENT TRAINING OR EVALUATION.

3 A person receiving earnings while engaged in employment
4 training or while undergoing an employment evaluation under
5 the direction of a rehabilitation facility approved for
6 purchase-of-service contracts or for referrals by the
7 department of human services or the department of public
8 instruction, who sustains an injury arising out of and in the
9 course of the employment training or employment evaluation is
10 entitled to benefits as provided in this chapter, chapter 85A,
11 chapter 85B, and chapter 86. Notwithstanding the minimum
12 benefit provisions of this chapter, such a person entitled to
13 benefits under this chapter is entitled to receive a minimum
14 weekly benefit amount for a permanent partial disability under
15 section 85.34, subsection 2, or for a permanent total
16 disability under section 85.34, subsection 3, equal to the
17 weekly benefit amount of a person whose gross weekly earnings
18 are thirty-five percent of the statewide average weekly wage
19 computed pursuant to section 96.3 and in effect at the time of
20 the injury.

21 Sec. 2. Section 85.61, subsection 1, Code Supplement 1985,
22 is amended to read as follows:

23 1. "Employer" includes and applies to any a person, firm,
24 association, or corporation, state, county, municipal
25 corporation, school corporation, area education agency,
26 township as an employer of volunteer fire fighters only,
27 benefited fire district, and the legal representatives of a
28 deceased employer. Employer includes and applies to a
29 rehabilitation facility approved for purchase-of-service con-
30 tracts or for referrals by the department of human services or
31 the department of public instruction.

32 Sec. 3. Section 85.61, subsection 2, unnumbered paragraph
33 2, Code Supplement 1985, is amended to read as follows:

34 "Worker" or "employee" includes an inmate as defined in
35 section 85.59 and a person described in section 85.60.

EXPLANATION

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This bill provides that approved rehabilitation facilities will be considered employers under the workers' compensation law and that a person receiving earnings in employment training or evaluations from a facility will be considered an employee under the workers' compensation law if the person is injured while in training or evaluation. A minimum benefit is provided.

HOUSE FILE 2456
FISCAL NOTE

REQUESTED BY REPRESENTATIVE SHERZAN

In compliance with a written request received March 7, 1986, a fiscal note for HOUSE FILE 2456 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 2456 provides that approved rehabilitation facilities will be considered employers under the worker's compensation law. Any person receiving earnings in employment training or evaluations from such a facility will be considered an employee under the worker's compensation law if the person is injured while in training or evaluation. A minimum benefit is provided.

FISCAL EFFECT: The Industrial Commissioner's office indicated that there would be no increase in costs for that office as result of this Act.

(LSB 8309H, DPW)

Source: Industrial Commissioner's Office

FILED MARCH 13, 1986

BY DENNIS PROUTY, FISCAL DIRECTOR

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LSB 8309H 71

cs/cr/8

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HOUSE FILE 2456
BY (PROPOSED COMMITTEE ON
LABOR AND INDUSTRIAL
RELATIONS BILL)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

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8 instruction, who sustains an injury arising out of and in the
9 course of the employment training or employment evaluation is
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12 benefit provisions of this chapter, such a person entitled to
13 benefits under this chapter is entitled to receive a minimum
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16 disability under section 85.34, subsection 3, equal to the
17 weekly benefit amount of a person whose gross weekly earnings
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20 the injury.

21 Sec. 2. Section 85.61, subsection 1, Code Supplement 1985,
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23 1. "Employer" includes and applies to any a person, firm,
24 association, or corporation, state, county, municipal
25 corporation, school corporation, area education agency,
26 township as an employer of volunteer fire fighters only,
27 benefited fire district, and the legal representatives of a
28 deceased employer. Employer includes and applies to a
29 rehabilitation facility approved for purchase-of-service con-
30 tracts or for referrals by the department of human services or
31 the department of public instruction.

32 Sec. 3. Section 85.61, subsection 2, unnumbered paragraph
33 2, Code Supplement 1985, is amended to read as follows:

34 "Worker" or "employee" includes an inmate as defined in
35 section 85.59 and a person described in section 85.60.

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HOUSE FILE 2456

AN ACT

RELATING TO WORKERS' COMPENSATION BENEFITS FOR PERSONS RECEIVING EMPLOYMENT TRAINING OR EMPLOYMENT EVALUATIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 85.60 INJURIES WHILE IN EMPLOYMENT TRAINING OR EVALUATION.

A person receiving earnings while engaged in employment training or while undergoing an employment evaluation under the direction of a rehabilitation facility approved for purchase-of-service contracts or for referrals by the department of human services or the department of public instruction, who sustains an injury arising out of and in the course of the employment training or employment evaluation is entitled to benefits as provided in this chapter, chapter 85A, chapter 85B, and chapter 86. Notwithstanding the minimum benefit provisions of this chapter, such a person entitled to benefits under this chapter is entitled to receive a minimum weekly benefit amount for a permanent partial disability under section 85.34, subsection 2, or for a permanent total disability under section 85.34, subsection 3, equal to the weekly benefit amount of a person whose gross weekly earnings are thirty-five percent of the statewide average weekly wage computed pursuant to section 96.3 and in effect at the time of the injury.

Sec. 2. Section 85.61, subsection 1, Code Supplement 1985, is amended to read as follows:

1. "Employer" includes and applies to any a person, firm, association, or corporation, state, county, municipal corporation, school corporation, area education agency, township as an employer of volunteer fire fighters only, benefited fire district, and the legal representatives of a

deceased employer. Employer includes and applies to a rehabilitation facility approved for purchase-of-service contracts or for referrals by the department of human services or the department of public instruction.

Sec. 3. Section 85.61, subsection 2, unnumbered paragraph 2, Code Supplement 1985, is amended to read as follows:

"Worker" or "employee" includes an inmate as defined in section 85.59 and a person described in section 85.60.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2456, Seventy-first General Assembly.

JOSEPH O'HERN
Chief Clerk of the House
Approved April 18, 1986

TERRY E. BRANSTAD
Governor