

House Labor & Ind. Relations
DO PASS 4-6-89 (P1407)

FILED MAR 15 1989

SENATE FILE 444
BY COMMITTEE ON BUSINESS AND
LABOR RELATIONS

(SUCCESSOR TO SSB 79)

Passed Senate, Date 3-23-89 (p. 987) Passed House, Date 4-13-89 (p. 1355)
Vote: Ayes 44 Nays 0 Vote: Ayes 94 Nays 0
Approved 4-27-89 (p. 1719)

A BILL FOR

1 An Act relating to the industrial services division of the
2 department of employment services, revising provisions
3 governing deputy industrial commissioners, expanding
4 provisions governing settlements in workers' compensation
5 cases, and providing properly related matters.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 444

1 Section 1. Section 19A.3, subsection 21, Code 1989, is
2 amended to read as follows:

3 21. ~~A-chief~~ Chief deputy industrial commissioner
4 commissioners.

5 Sec. 2. Section 85.35, Code 1989, is amended by adding the
6 following new subsection:

7 NEW SUBSECTION. 8. A substantial portion of the claimed
8 disability is related to physical or mental conditions other
9 than those caused by the injury.

10 Sec. 3. Section 86.2, Code 1989, is amended to read as
11 follows:

12 86.2 APPOINTMENT OF DEPUTIES.

13 The commissioner may appoint: deputy

14 1. Chief deputy industrial commissioners for whose acts
15 the commissioner is responsible, who are exempt from the merit
16 system provisions of chapter 19A, and who shall serve at the
17 pleasure of the commissioner.

18 2. Deputy industrial commissioners for whose acts the
19 commissioner shall be is responsible and who shall serve
20 during at the pleasure of the commissioner; and all such.

21 All chief deputies and deputies must be lawyers admitted to
22 practice in this state.

23 EXPLANATION

24 This bill provides that the industrial commissioner may
25 appoint more than one chief deputy industrial commissioner.

26 All chief deputies would be exempt from the merit system,
27 whereas other deputies would be subject to this provision.

28 The bill also provides that a settlement in a workers'
29 compensation case may be approved under section 85.35 if the
30 case involves a dispute over whether a substantial portion of
31 the claimed disability is related to physical or mental
32 conditions other than those caused by the injury.

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SSB 79
BUSINESS &
LABOR RELATIONS
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SENATE FILE 444

BY (PROPOSED DEPARTMENT OF
EMPLOYMENT SERVICES/INDUSTRIAL
SERVICES DIVISION BILL)

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

A BILL FOR

1 An Act relating to the industrial services division of the
2 department of employment services, revising provisions
3 governing deputy industrial commissioners, expanding
4 provisions governing settlements in workers' compensation
5 cases, and providing properly related matters.

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

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1 Section 1. Section 19A.3, subsection 21, Code 1989, is
2 amended to read as follows:

3 21. ~~A-chief~~ Chief deputy industrial commissioner
4 commissioners.

5 Sec. 2. Section 20.4, Code 1989, is amended by adding the
6 following new subsection:

7 NEW SUBSECTION. 13. Chief deputy industrial
8 commissioners.

9 Sec. 3. Section 85.35, Code 1989, is amended by adding the
10 following new subsection:

11 NEW SUBSECTION. 8. A substantial portion of the claimed
12 disability is related to physical or mental conditions other
13 than those caused by the injury.

14 Sec. 4. Section 86.2, Code 1989, is amended to read as
15 follows:

16 86.2 APPOINTMENT OF DEPUTIES.

17 The commissioner may appoint: deputy

18 1. Chief deputy industrial commissioners for whose acts
19 the commissioner is responsible, who are exempt from the merit
20 system provisions of chapter 19A and excluded from the
21 provisions of chapter 20, and who shall serve at the pleasure
22 of the commissioner.

23 2. Deputy industrial commissioners for whose acts the
24 commissioner shall-be is responsible and who shall serve
25 during at the pleasure of the commissioner,-and-all-such.

26 All chief deputies and deputies must be lawyers admitted to
27 practice in this state.

28 EXPLANATION

29 This bill provides that the industrial commissioner may
30 appoint more than one chief deputy industrial commissioner.
31 All chief deputies would be exempt from the merit system and
32 excluded from the Public Employment Relations Act (collective
33 bargaining), whereas other deputies would be subject to these
34 provisions.

35 The bill also provides that a settlement in a workers'

1 compensation case may be approved under section 85.35 if the
2 case involves a dispute over whether a substantial portion of
3 the claimed disability is related to physical or mental
4 conditions other than those caused by the injury.

5 BACKGROUND STATEMENT

6 SUBMITTED BY THE AGENCY

7 Deputy Commissioner -- Corrective Amendment. The 1987
8 Session of the general assembly intended to exempt the chief
9 deputy positions from merit and collective bargaining statutes
10 but the intent language was inadvertently omitted. The 1988
11 Session included an exemption from chapter 19A but omitted the
12 exemptions from chapter 20. This language would codify the
13 legislature's original intent in creating the positions of
14 chief deputy industrial commissioner.

15 Settlement in Contested Case. Simplification of the
16 settlement procedures in section 85.35 will allow more time to
17 be devoted by division personnel to cases where the parties
18 are unable to reach agreement. This change is a limited
19 expansion of the settlement provisions and the concept was
20 suggested and supported by the Iowa Workers' Compensation
21 Advisory Committee, Inc. and the Iowa Association of Workers'
22 Compensation Lawyers, Inc.

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All chief deputies and deputies must be lawyers admitted to practice in this state.

SENATE FILE 444

AN ACT

RELATING TO THE INDUSTRIAL SERVICES DIVISION OF THE DEPARTMENT OF EMPLOYMENT SERVICES, REVISING PROVISIONS GOVERNING DEPUTY INDUSTRIAL COMMISSIONERS, EXPANDING PROVISIONS GOVERNING SETTLEMENTS IN WORKERS' COMPENSATION CASES, AND PROVIDING PROPERLY RELATED MATTERS.

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

Section 1. Section 19A.3, subsection 21, Code 1989, is amended to read as follows:

21. A-chief Chief deputy industrial commissioner commissioners.

Sec. 2. Section 85.35, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 8. A substantial portion of the claimed disability is related to physical or mental conditions other than those caused by the injury.

Sec. 3. Section 86.2, Code 1989, is amended to read as follows:

86.2 APPOINTMENT OF DEPUTIES.

The commissioner may appoint: deputy

1. Chief deputy industrial commissioners for whose acts the commissioner is responsible, who are exempt from the merit system provisions of chapter 19A, and who shall serve at the pleasure of the commissioner.

2. Deputy industrial commissioners for whose acts the commissioner shall be is responsible and who shall serve during at the pleasure of the commissioner; and-att-such.

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 444, Seventy-third General Assembly.

JOHN P. DWYER
Secretary of the Senate

Approved 4/27, 1989

TERRY E. BRANSTAD
Governor

SF 444