

FEB 2 1999

LABOR & INDUSTRIAL RELATIONS

HOUSE FILE 188
BY DOTZLER

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

A BILL FOR

1 An Act concerning employer payment to an injured employee for
2 participation in a vocational rehabilitation or other training
3 program.

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

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HF 188

1 Section 1. Section 85.70, Code 1999, is amended to read as
2 follows:

3 85.70 ADDITIONAL PAYMENT FOR ATTENDANCE.

4 An employee who has sustained an injury resulting in
5 permanent partial or permanent total disability, for which
6 compensation is payable under this chapter, and who cannot is
7 unable to return to gainful employment in the job the employee
8 held at the time of the injury because of such disability,
9 shall upon application to and approval by the workers'
10 compensation commissioner be entitled to ~~a twenty-dollar~~
11 weekly an additional worker training payment from the
12 employer. The worker training payment shall be in addition to
13 any other benefit payments to the employee, during each full
14 week in which the employee is not receiving healing period
15 benefits pursuant to section 85.34, and is actively
16 participating in a vocational rehabilitation program
17 recognized by the vocational rehabilitation services division
18 of the department of education or participating in any other
19 training program, including apprenticeship training,
20 recognized by the department of education. The additional
21 worker training payment authorized by this section shall be in
22 an amount determined in the same manner as healing period
23 benefits are calculated pursuant to section 85.37. The
24 workers' compensation commissioner's approval of such
25 application for payment may be given only after a careful
26 evaluation of available facts, and after consultation with the
27 employer or the employer's representative. Judicial review of
28 the decision of the workers' compensation commissioner may be
29 obtained in accordance with the terms of the Iowa
30 administrative procedure Act and in section 86.26. Such
31 additional benefit payment shall be paid for a period not to
32 exceed thirteen consecutive weeks except that the workers'
33 compensation commissioner may extend the period of payment not
34 to exceed an additional thirteen ninety-one weeks if the
35 circumstances indicate that a continuation of training will in

1 fact accomplish assist the employee's rehabilitation.

2 EXPLANATION

3 This bill concerns the payment of additional moneys to
4 certain injured workers who are participating in a recognized
5 vocational rehabilitation or other training program. Under
6 current law, an employee with a permanent partial or permanent
7 total disability who is unable to work can receive an extra
8 \$20 per week, for up to 26 total weeks, while participating in
9 a vocational rehabilitation program.

10 Under the bill, however, an employee can receive the
11 additional payment if the employee with a permanent partial or
12 permanent total disability is unable to return to the same job
13 the employee had at the time of the injury, regardless of
14 whether the employee could return to any other gainful
15 employment. In addition, the bill replaces the \$20 payment
16 with a payment calculated in the same manner as healing period
17 benefit payments are made but provides that the employee can
18 receive the additional payment only if the employee is not
19 already receiving healing period benefits. The bill also
20 allows an employee to receive the benefit if the employee is
21 participating in other training programs, including
22 apprenticeship training, recognized by the department of
23 education. Finally, the bill permits the employee to receive
24 the additional benefit for up to a total of 104 weeks(2
25 years).

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