

Senate File 138 - Introduced

SENATE FILE 138

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A BILL FOR

1 An Act relating to the rights of employees infected with
2 COVID-19 under the state workers' compensation program.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 85.73 COVID-19 — personal injury.

2 1. For purposes of this section, "COVID-19" means the same
3 as defined in section 686D.2.

4 2. A rebuttable presumption exists that an employee's
5 COVID-19 infection is a personal injury arising out of and in
6 the course of employment under this chapter.

7 3. An employer shall pay an employee with a COVID-19
8 infection that is a personal injury arising out of and in
9 the course of employment a minimum of two weeks of weekly
10 compensation benefits pursuant to section 85.33, subsection 1,
11 to allow for a period of recovery and to minimize infections
12 of other employees. The minimum weekly compensation benefits
13 provided in this subsection shall not be construed to limit any
14 compensation or other benefits available to an injured employee
15 pursuant to this chapter or chapter 86.

16 Sec. 2. Section 686D.8, subsection 3, Code 2021, is amended
17 to read as follows:

18 3. Affect the rights or limits under ~~workers'~~ either of the
19 following:

20 a. Workers' compensation as provided in chapter 85, 85A, or
21 85B, or the except as provided in section 85.73.

22 b. The rights or limits related to police officers or fire
23 fighters under chapter 410 or 411.

24 EXPLANATION

25 The inclusion of this explanation does not constitute agreement with
26 the explanation's substance by the members of the general assembly.

27 Under current law, Code chapter 686D, the COVID-19 response
28 and back-to-business limited liability Act, shall not be
29 construed to affect the rights or limits under workers'
30 compensation.

31 This bill provides that a rebuttable presumption exists that
32 an employee's COVID-19 infection is a personal injury arising
33 out of and in the course of employment for purposes of workers'
34 compensation.

35 The bill requires that an employer pay an employee with

1 a COVID-19 infection that is a personal injury arising out
2 of and in the course of employment a minimum of two weeks of
3 weekly compensation benefits to allow for a period of recovery
4 and to minimize infections of other employees. Such benefits
5 shall not be construed to limit any other workers' compensation
6 available to an injured employee.