

CHAPTER 102

PUBLIC SAFETY DEPARTMENT EMPLOYEES

H. F. 80

AN ACT relating to dismissal of employees of the department of public safety.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section eighty point fifteen (80.15), Code 1958, is
 2 hereby amended by striking the period after the word "final" in line
 3 thirty-five (35) and inserting a comma in lieu thereof and adding the
 4 following: "subject to the right of appeal by the employee to the
 5 district court of Polk County, or to the district court of the county in
 6 Iowa in which the employee resides, within thirty (30) days after he
 7 shall have received notice of the decision of the executive council."

Approved March 9, 1959.

CHAPTER 103

WORKMEN'S COMPENSATION

H. F. 690

AN ACT to amend chapter eighty-five (85), Code 1958, relating to workmen's compensation, so as to increase the maximum weekly compensation for death, for permanent total disabilities and permanent partial disabilities, to increase the compensation for temporary disability and during the healing period, and to provide for children's dependency benefits, to provide for payment of wages for time lost by employees for physical examinations and transportation therefor, to provide for optional coverage to employers engaged in agriculture, to provide subrogation rights to the state of Iowa, to liberalize payment for prosthetic devices, and to redefine certain terms.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section eighty-five point one (85.1), Code 1958, is
 2 amended by inserting in line six (6) of subsection three (3) after
 3 the word "that" the following: "employers engaged solely in agri-
 4 culture, and".

1 SEC. 2. Section eighty-five point twenty-two (85.22), Code 1958,
 2 is amended by adding at the end of said section the following para-
 3 graph:

4 "When the state of Iowa has paid any compensation or benefits
 5 under the provisions of this chapter, the word 'employer' as used in
 6 this section shall mean and include the state of Iowa."

1 SEC. 3. Section eighty-five point twenty-seven (85.27), Code 1958,
 2 is amended by inserting in line sixteen (16) after the word "nurses"
 3 the following: ", one set of permanent prosthetic devices".

4 Section eighty-five point twenty-seven (85.27), Code 1958, is fur-
 5 ther amended as follows:

6 1. By striking from lines eleven (11) and twelve (12) the words
 7 "five hundred dollars" and inserting in lieu thereof the following:
 8 "one thousand dollars (\$1,000.00)".

9 2. By striking from line fourteen (14) the words "one thousand
10 dollars" and inserting in lieu thereof the following: "two thousand
11 dollars (\$2,000.00)".

12 3. By striking from lines twenty-three (23) and twenty-four (24)
13 the words "one thousand dollars" and inserting in lieu thereof the
14 following: "two thousand dollars (\$2,000.00)".

1 SEC. 4. Section eighty-five point thirty-one (85.31), Code 1958,
2 is amended as follows:

3 1. Strike subsection one (1) and insert in lieu thereof the follow-
4 ing:

5 "When death results from the injury, the employer shall pay the
6 dependents who were wholly dependent on the earnings of the em-
7 ployee for support at the time of his injury, during their lifetime,
8 compensation upon the basis of sixty-six and two-thirds per cent
9 (66 $\frac{2}{3}$ %) per week of the employee's average weekly earnings, pay-
10 able in three hundred (300) equal weekly installments commencing
11 from the date of his injury, but not to exceed a total of twelve thou-
12 sand dollars (\$12,000.00); provided further, that such weekly com-
13 pensation shall not be less than eighteen dollars (\$18.00) per week,
14 except if at the time of his injury his earnings are less than eighteen
15 dollars (\$18.00) per week, then the weekly compensation shall be a
16 sum equal to the full amount of his weekly earnings. Such compen-
17 sation shall be in addition to the benefits provided by sections eighty-
18 five point twenty-seven (85.27) and eighty-five point twenty-eight
19 (85.28) of the Code."

20 2. Change the period in line eight (8) of subsection four (4) to
21 a comma and add immediately thereafter the following: "as pro-
22 vided in subsection one (1) but not to exceed a total of twelve thou-
23 sand dollars (\$12,000.00)."

1 SEC. 5. Section eighty-five point thirty-three (85.33), Code 1958,
2 is amended by striking the second paragraph thereof.

1 SEC. 6. Sections eighty-five point thirty-four (85.34) and eighty-
2 five point thirty-five (85.35), Code 1958, are repealed and the fol-
3 lowing is enacted in lieu thereof:

4 "Permanent disabilities. Compensation for permanent disabili-
5 ties and during a healing period for scheduled permanent partial dis-
6 abilities shall be payable to an employee as provided in this section.
7 In the event weekly compensation had been paid to any person under
8 any provision of this chapter or chapter eighty-five A (85A), of the
9 Code, other than is required by paragraphs "a" and "b" hereof, for
10 the same injury producing a permanent partial disability, any such
11 amounts so paid shall be deducted from the total amount of com-
12 pensation payable for such permanent partial disability.

13 "a. Healing period. If an employee has suffered a personal in-
14 jury causing permanent partial disability for which compensation is
15 payable as provided in paragraph "b" of this section, the employer
16 shall pay to the employee compensation for a healing period, as pro-
17 vided in section seven (7) of this Act, beginning on the date of the
18 injury, which shall be not more than thirty per cent (30%) of the
19 period during which weekly compensation is required to be paid for
20 the permanent partial disability under the provisions of this section,
21 or for a period of not more than twenty-five (25) weeks, whichever

22 is the lesser, but in no event shall such payments for a healing
23 period be made for a period longer than the actual time the em-
24 ployee is incapacitated from work because of such injury.

25 "b. Permanent partial disabilities. Compensation for permanent
26 partial disability shall begin at the termination of the healing period
27 provided in paragraph "a" hereof. Such compensation shall be in
28 addition to the benefits provided by sections eighty-five point twenty-
29 seven (85.27) and eighty-five point twenty-eight (85.28) of the Code.
30 Such compensation shall be based upon the extent of such disability
31 and upon the basis of sixty-six and two thirds per cent ($66\frac{2}{3}\%$)
32 per week of the employee's average weekly earnings, but not less
33 than eighteen dollars (\$18.00) per week, except if at the time of
34 his injury his earnings are less than eighteen dollars (\$18.00) per
35 week, then the weekly compensation shall be a sum equal to the full
36 amount of his weekly earnings; and for all cases of permanent par-
37 tial disability such compensation shall be paid as follows:

38 "(1) For the loss of a thumb, weekly compensation during sixty
39 (60) weeks but not to exceed a total of two thousand two hundred
40 twenty-five dollars (\$2,225.00).

41 "(2) For the loss of a first finger, commonly called the index fin-
42 ger, weekly compensation during thirty-five (35) weeks but not to
43 exceed a total of one thousand three hundred dollars (\$1,300.00).

44 "(3) For the loss of a second finger, weekly compensation during
45 thirty (30) weeks but not to exceed a total of one thousand one hun-
46 dred ten dollars (\$1,110.00).

47 "(4) For the loss of a third finger, weekly compensation during
48 twenty-five (25) weeks but not to exceed a total of nine hundred
49 twenty dollars (\$920.00).

50 "(5) For the loss of a fourth finger, commonly called the little
51 finger, weekly compensation during twenty (20) weeks but not to
52 exceed a total of seven hundred forty dollars (\$740.00).

53 "(6) The loss of the first or distal phalange of the thumb or
54 of any finger shall equal the loss of one-half of such thumb or
55 finger and the weekly compensation shall be paid during one-half of
56 the time but not to exceed one-half of the total amount for the loss
57 of such thumb or finger.

58 "(7) The loss of more than one phalange shall equal the loss of
59 the entire finger or thumb.

60 "(8) For the loss of a great toe, weekly compensation during forty
61 (40) weeks but not to exceed a total of one thousand four hundred
62 eighty dollars (\$1,480.00).

63 "(9) For the loss of one of the toes other than the great toe
64 weekly compensation during fifteen (15) weeks but not to exceed a
65 total of five hundred sixty dollars (\$560.00).

66 "(10) The loss of the first phalange of any toe shall equal the loss
67 of one-half of such toe and the weekly compensation shall be paid
68 during one-half of the time but not to exceed one-half of the total
69 amount provided for the loss of such toe.

70 "(11) The loss of more than one phalange shall equal the loss of
71 the entire toe.

72 "(12) For the loss of a hand, weekly compensation during one
73 hundred seventy-five (175) weeks but not to exceed a total of six
74 thousand five hundred dollars (\$6,500.00).

- 75 “(13) The loss of two-thirds of that part of an arm between the
76 shoulder joint and the elbow joint shall equal the loss of an arm and
77 the compensation therefor shall be weekly compensation during two
78 hundred thirty (230) weeks but not to exceed a total of eight thou-
79 sand five hundred dollars (\$8,500.00).
- 80 “(14) For the loss of a foot, weekly compensation during one
81 hundred fifty (150) weeks but not to exceed a total of five thousand
82 five hundred twenty dollars (\$5,520.00).
- 83 “(15) The loss of two-thirds of that part of a leg between the
84 hip joint and the knee joint shall equal the loss of a leg, and the
85 compensation therefor shall be weekly compensation during two
86 hundred (200) weeks but not to exceed a total of seven thousand
87 three hundred sixty dollars (\$7,360.00).
- 88 “(16) For the loss of an eye, weekly compensation during one
89 hundred twenty-five (125) weeks but not to exceed a total of four
90 thousand six hundred dollars (\$4,600.00).
- 91 “(17) For the loss of an eye, the other eye having been lost prior
92 to the injury, weekly compensation during two hundred (200) weeks
93 but not to exceed a total of seven thousand three hundred sixty dol-
94 lars (\$7,360.00).
- 95 “(18) For the loss of hearing in one ear, weekly compensation
96 during fifty (50) weeks but not to exceed a total of one thousand
97 eight hundred fifty dollars (\$1,850.00), and for the loss of hearing
98 in both ears, weekly compensation during one hundred seventy-five
99 (175) weeks but not to exceed a total of six thousand five hundred
100 dollars (\$6,500.00).
- 101 “(19) The loss of both arms, or both hands, or both feet, or both
102 legs, or both eyes, or any two thereof, caused by a single accident,
103 shall equal a permanent total disability, and shall be compensated
104 as such but not to exceed a total of eighteen thousand five hundred
105 dollars (\$18,500.00).
- 106 “(20) For permanent disfigurement of the face or head which
107 shall impair the future usefulness and earnings of the employee in
108 his occupation at the time of receiving the injury, weekly compen-
109 sation, for such period as may be determined by the industrial com-
110 missioner according to the severity of the disfigurement, but not to
111 exceed one hundred fifty (150) weeks and in no event to exceed a
112 total of five thousand one hundred dollars (\$5,100.00).
- 113 “(21) In all cases of permanent partial disability other than those
114 hereinabove described or referred to in subparagraphs (1) through
115 (20) hereof, the compensation shall be paid during the number of
116 weeks in relation to five hundred (500) weeks as the disability bears
117 to the body of the injured employee as a whole, but not to exceed
118 a total amount equal to the same percentage proportion of eighteen
119 thousand five hundred dollars (\$18,500.00).
- 120 “If it is determined that an injury has produced a disability less
121 than that specifically described in said schedule, compensation shall
122 be paid during the lesser number of weeks of disability determined,
123 as will not exceed a total amount equal to the same percentage pro-
124 portion of said scheduled maximum compensation.
- 125 “In no case shall the weekly compensation payments exceed the

126 amount determined by dividing the total number of weeks into the
127 maximum total compensation stated herein.

128 "c. Permanent total disability. Compensation for an injury caus-
129 ing permanent total disability shall be upon the basis of sixty-six
130 and two thirds per cent (66 $\frac{2}{3}$ %) per week of the employee's average
131 weekly earnings, but not less than eighteen dollars (\$18.00) per
132 week, except if at the time of his injury his earnings are less than
133 eighteen dollars (\$18.00) per week, then the weekly compensation
134 shall be a sum equal to the full amount of his weekly earnings; said
135 weekly compensation shall be payable during the period of his dis-
136 ability for a period of time not to exceed five hundred (500) weeks,
137 but in no event shall the total of said weekly compensation payments
138 exceed eighteen thousand five hundred dollars (\$18,500.00).

139 "In no case shall the weekly compensation payments exceed the
140 amount determined by dividing the total number of weeks into the
141 maximum total compensation stated herein. Such compensation
142 shall be in addition to the benefits provided in sections eighty-five
143 point twenty-seven (85.27) and eighty-five point twenty-eight
144 (85.28) of the Code. No compensation shall be payable under this
145 paragraph for any injury for which compensation is payable under
146 paragraph "b" of this section. In the event compensation has been
147 paid to any person under any provision of this chapter or chapter
148 eighty-five A (85A) of the Code, for the same injury producing a
149 total permanent disability, any such amounts so paid shall be de-
150 ducted from the total amount of compensation payable for such
151 permanent total disability."

1 SEC. 7. Section eighty-five point thirty-seven (85.37), Code 1958,
2 is repealed and the following is enacted in lieu thereof:

3 "In all cases where an employee receives a personal injury causing
4 temporary disability, or causing a permanent partial disability for
5 which compensation is payable during a healing period, compensa-
6 tion for such temporary disability or for such healing period shall
7 be upon the following basis:

8 Forty-four dollars (\$44.00) per week for an employee who has
9 four (4) or more children;

10 Forty-one dollars (\$41.00) per week for an employee who has
11 three (3) children;

12 Thirty-eight dollars (\$38.00) per week for an employee who has
13 two (2) children;

14 Thirty-five dollars (\$35.00) per week for an employee who has one
15 (1) child;

16 Thirty-two dollars (\$32.00) per week for an employee who has no
17 children;

18 provided, however, that the total weekly compensation for any em-
19 ployee shall not exceed sixty-six and two-thirds per cent (66 $\frac{2}{3}$ %)
20 per week of the employee's average weekly earnings; provided fur-
21 ther, that such compensation shall not be less than eighteen dollars
22 (\$18.00) per week, except if at the time of his injury his earnings
23 are less than eighteen dollars (\$18.00) per week, then he shall
24 receive in weekly payments a sum equal to the full amount of his
25 weekly earnings.

26 "Such compensation shall be in addition to the benefits provided

27 by sections eighty-five point twenty-seven (85.27) and eighty-five
28 point twenty-eight (85.28) of the Code.

29 "The words 'child' or 'children' as used herein shall mean and be
30 defined as in subsection two (2) of section eighty-five point forty-
31 two (85.42) of the Code as amended by section nine (9) of this Act."

1 SEC. 8. Section eighty-five point thirty-nine (85.39), Code 1958,
2 is amended by inserting after the period in line eleven (11) the fol-
3 lowing:

4 "Whenever an employee is required to leave his work for which he
5 is being paid wages to attend upon such requested examination, he
6 shall be compensated at his regular rate for the time he shall have
7 lost by reason thereof, and he shall be furnished transportation to
8 and from the place of examination, or the employer may elect to
9 pay him the reasonable cost of such transportation."

1 SEC. 9. Section eighty-five point forty-two (85.42), Code 1958, is
2 amended as follows:

3 1. Strike all of the last sentence from subsection two (2) and
4 insert in lieu thereof the following:

5 "An adopted child or children shall be regarded the same as issue
6 of the body. A child or children, as used herein, shall also include
7 any child or children conceived but not born at the time of the em-
8 ployee's injury, and any compensation payable on account of any
9 such child or children shall be paid from the date of their birth. A
10 stepchild or stepchildren shall be regarded the same as issue of the
11 body only when the stepparent has actually provided the principal
12 support for such child or children."

13 2. Change the period in line four (4) of subsection three (3) to
14 a comma and insert immediately thereafter the following: "only
15 when the stepparent has actually provided the principal support for
16 a stepchild."

1 SEC. 10. Section eighty-five point sixty-one (85.61), Code 1958,
2 is hereby amended as follows:

3 Insert after the word "officers" in line seven (7) of paragraph c
4 in subsection three (3) a period and strike therefrom the following
5 words: "except when acting as peace officers performing law en-
6 forcement duties referred to in section 85.62."

Approved May 6, 1959.

CHAPTER 104

WORKMEN'S COMPENSATION

S. F. 428

AN ACT to amend subsection one (1) of section eighty-five point twenty-two (85.22), Code 1958, relating to workman's compensation.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Amend subsection one (1) of section eighty-five point
2 twenty-two (85.22), Code 1958, by inserting after the second "comma