

# EMPLOYMENT LAW SUMMARY

## Iowa Workers' Compensation - Employee Eligibility



*Because You're Different*

Workers' compensation is a system of no-fault insurance that provides medical care and monetary benefits to employees who sustain work-related injuries and diseases. Workers' compensation is governed by state law.

The Iowa Workers' Compensation Division (WC Division) handles workers' compensation claims and resolves eligibility disputes in the state. The Iowa Workers' Compensation Law (WCA) establishes the requirements an individual must meet in order to qualify for workers' compensation benefits. In general, an individual must be a covered employee under the WCA and sustain a compensable injury or disease.

### COMPENSABLE CONDITIONS

Compensable conditions include traumatic injuries, gradual injuries (including occupational hearing loss), and occupational diseases. In general, a condition is compensable if it arises out of and in the course of employment. The following provides an overview of some of the more specific requirements for compensability.

Injuries are compensable if they occur:

- While the employee is performing services for the employer;
- On, in or about the employer's premises or in any place where the employer's business requires his or her presence and subjects him or her to dangers of the business; and
- As a result of the working environment or conditions of the employment.

Diseases are compensable if they:

- Have a direct causal connection to the employment;
- Are due to exposure that is incidental to the character of the business, occupation or process of the employment; and
- Are not due to any hazard to which the employee would be equally exposed outside of the employment.

### DISQUALIFICATION FROM BENEFITS

Employees may be disqualified from WCA benefits even when they meet the requirements mentioned above. The following chart provides an overview of the factors that may cause an employee to lose eligibility for benefits under the WCA.

NOT COMPENSABLE	
<b>Injuries caused by:</b>	•The employee's willful intent to injure him- or herself or another; •The employee's intoxication by alcohol or drugs that were not prescribed by a medical provider; or •A willful act of a third party directed at the employee for reasons personal to the employee
<b>Occupational diseases caused by:</b>	•Intoxication; •Narcotic drug addiction; •Committing a misdemeanor or felony; •Refusing to use a safety or health protection device; •Refusing to obey any rule that the employer posted in a conspicuous position in the workplace; or •Failing or refusing to perform or obey any duty imposed by law.

Under a provision that became effective July 1, 2017, an employee is presumed to have been intoxicated at the time of injury, and the intoxication is presumed to have been a substantial factor in causing the injury, if the employee tests positive for the presence of alcohol or drugs at the time of or immediately following an injury. For this purpose, a drug includes any narcotic, depressant, stimulant, hallucinogenic or hypnotic substance that was either not prescribed by an authorized medical practitioner or not used in accordance with the prescribed use of the drug. Once an employer establishes these presumptions, the employee will have the opportunity to overcome them by proving that he or she was not intoxicated at the time of the injury or that intoxication was not a substantial factor in causing the injury

## **EMPLOYEE RESPONSIBILITIES**

The WCA establishes additional expectations and responsibilities that employees must satisfy in order to maintain their right to receive workers' compensation benefits. Failing to satisfy these expectations may cause an employee to lose benefits either in whole or in part. Among other duties, employees must:

- Provide notice of an injury or the manifestation of an occupational disease to the employer within 90 days;
- File an application for arbitration with the WC Division:
- Within two years after an injury occurs or after the first day the employee was disabled from work due to an occupational disease, if the employer did not pay any weekly workers' compensation benefits; or
- Within three years after the employer's last payments of weekly workers' compensation benefits for the injury or disease;
- Provide authorization for release of all relevant medical information to the employer;
- Accept all medical services furnished by the employer pursuant to the WCA;
- Submit to medical examinations (employers must make reasonable requests);
- Accept the employer's suitable offer of work during periods of temporary disability (effective July 1, 2017, employers must make suitable offers of work in writing and include specific provisions); and
- Participate in and follow all rules regarding alternative dispute resolution and other proceedings for resolving disputed claims.

## **MORE INFORMATION**

Contact Heffernan Insurance Brokers or visit the [Division website](#) for more information on workers' compensation laws in Iowa.

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