



The Workers' Compensation
Law Seminar

New Career Vocational Training & Education Program

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Additional Payment for Attendance

Iowa Code § 85.70 (Pre-2017 Amendments)

Iowa Code § 85.70(1) (Post-2017 amendments)

Additional Payment for Attendance

- Benefit
 - \$100 weekly payment in addition to any other benefit payments
 - For each full week in which the employee is actively participating in a vocational rehabilitation program recognized by Iowa Vocational Rehabilitation Services (a division of the Iowa Dept. of Education)
 - Up to 13 weeks
 - Iowa Workers' Compensation Commissioner may extend the period an additional 13 weeks "if the circumstances indicate that a continuation of training will in fact accomplish rehabilitation"

Additional Payment for Attendance

- Eligibility
 - Permanent partial or permanent total disability for which compensation is payable under chapter 85
 - Cannot return to gainful employment because of such disability

Additional Payment for Attendance

- Procedure
 - Apply to the Iowa Workers' Compensation Commissioner for the benefit
 - Approval:
 - Only after careful evaluation of available facts
 - After consultation with the employer or the employer's representative
 - Judicial review of approval/denial available under the Iowa Administrative Procedure Act

Additional Payment for Attendance

- Coverage Based on Injury Type
 - Applied to shoulder injuries
 - Question of eligibility for individuals with loss of sight
 - 2 entities administer vocational rehabilitation programs under the federal Rehabilitation Act of 1973 (Rehab Act) in Iowa: IVRS and the Iowa Dept. for the Blind (IDB)
 - § 85.70 does not mention IDB, only IVRS

2017 Amendments

Iowa Code § 85.70

Shoulder As Scheduled Member

The shoulder is now a scheduled member under Iowa Code § 85.34(2)(n)

The amendments changed Iowa Code § 85.70:

- Now has Paragraph (1) and Paragraph (2)
- Excluded injuries to the shoulder compensable under 85.34(2)(n) from qualifying for additional payment for attendance in a vocational rehabilitation program recognized by IVRS
- Added the “New Career Vocational Training and Education Program” in 85.70(2)

New Career Vocational Training & Education Program

Iowa Code § 85.70(2)

New Career Vocational Training & Education Program

- Eligibility
 - Shoulder injury resulting in permanent partial disability that is compensable under § 85.34(2)(n)
 - Cannot return to gainful employment because of the permanent partial shoulder injury

New Career Vocational Training & Education Program

- Procedure

- Evaluation by IWD regarding career opportunities in specific fields alignment with career and technical education (CTE) programs in:
 - Agriculture
 - Family and Consumer Sciences
 - Health Occupations
 - Business
 - Industrial Technology
 - Marketing
- IWD determines if the employee would benefit from participation
- IWD refers employee to nearest community college or the one with the appropriate program

New Career Vocational Training & Education Program

- Benefit
 - Employee is entitled to financial support for participation in the program
 - Not to exceed \$15,000
 - For the payment of tuition and fees and required supplies

New Career Vocational Training & Education Program

- Benefit
 - Community college bills the employer or the employer's insurance carrier each semester (or the equivalent) for:
 - Tuition
 - Fees

New Career Vocational Training & Education Program

- Benefit

- Employer or employer's insurance carrier must also pay for the purchase of supplies required by the employee to participate in the program
- Upon the receipt of documentation from the employee detailing the cost of the supplies and the necessity for purchasing the supplies
- Documentation may include written course requirements or other documentation from the community college or the course instructor regarding the necessity for the purchase of certain supplies

New Career Vocational Training & Education Program

- Status Updates
- The employer or the employer's insurance carrier may request a periodic status report each semester from the community college documenting the employee's:
 - Attendance
 - Participation in
 - Completion

New Career Vocational Training & Education Program

- Termination of Participation
- Employee's participation in the program is terminated if the employee:
 - Does not meet the attendance requirements of the community college
 - Does not maintains passing grade in each course in which the employee is enrolled each semester (or the equivalent)

New Career Vocational Training & Education Program

- Use of Funds
- The community college is required to provide the employer or the employer's insurance carrier with documentation detailing that the receipt of funds by the community college for the program is for payment of:
 - Tuition
 - Fees
 - Purchase of required supplies

New Career Vocational Training & Education Program

- Application Under Iowa Administrative Code rule 876–4.50:
 - Method of challenging the evaluation and determination of IWD
 - Can only be filed after:
 - Final determination by the Commissioner that the employee sustained a qualifying shoulder injury; or
 - There is agreement between the employer, the employer's insurance carrier, and the employee that the employee has sustained a qualifying shoulder injury

New Career Vocational Training & Education Program

- Application Under Iowa Administrative Code rule 876–4.50:
 - Briefs must be filed before the date of hearing (not longer than 5 pages)
 - Written evidence must be exchanged before the date of hearing (no more than 50 pages per party)

New Career Vocational Training & Education Program

- Application Under Iowa Administrative Code rule 876–4.50:
 - Decision within 30 working days of the hearing on the application

Online Resources

- Permanent Partial Should Injury Training Evaluation Request Form
 - <https://www.iowaworkforcedevelopment.gov/ppsi>
- 2017 Iowa Acts ch. 1023 (House File 518)
 - https://www.legis.iowa.gov/docs/publications/LGE/87/Attachments/HF518_GovLetter.pdf
- Iowa Administrative Code rule 876–4.50
 - <https://www.legis.iowa.gov/docs/iac/rule/12-20-2017.876.4.50.pdf>
- Form 14-0009: Original Notice, Petition, Answer and Order Concerning Vocational Rehabilitation Program Benefit
 - <https://www.iowaworkcomp.gov/sites/authoring.iowadivisionofworkcomp.gov/files/14-0009.pdf>