

State of Iowa Department of Corrections

Policy and Procedures

Policy Number: OP-WI-03

Applicability: Institutions

Policy Code: Public Access

Iowa Code Reference: 85.16, 85.27, 85.59

Chapter 5: OFFENDER PROGRAMS

Sub Chapter: WORK & CORRECTIONAL INDUSTRIES

Related DOC Policies: N/A

Administrative Code Reference: N/A

Subject: INCARCERATED INDIVIDUAL WORK-RELATED ACCIDENT COMPENSATION PROCEDURES

PREA Standards: N/A

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1. PURPOSE

To describe procedures to be used in Iowa Department of Corrections (IDOC) institutions for incarcerated individuals to file for accident compensation in the event they are injured on the job.

2. POLICY

It is the policy of the IDOC to provide incarcerated individuals with necessary medical care and access to the proper forms for filing for worker's compensation under the laws of the State of Iowa.

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- A. Reporting Requirement
- B. Claim Processing
- C. Other

3. DEFINITIONS

- A. First Report of Injury (FROI) - Information documenting incarcerated individual injury or illness, for each work-related death; for each occupational disease of which the employer has knowledge (even if there is no lost time from work); and for each injury that results in more than one day's absence from work for the injured worker. The FROI must be completed within seven days of first knowledge of the event.
- B. Reportable Injury - Death; or days away from work, restricted work or transfer to another job, medical treatment beyond first aid, or loss of consciousness. A case must also be considered to meet the general recording criteria if it involves a significant injury or illness diagnosed by a physician or other licensed health care professional, even if it does not result in death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness.
- C. OSHA 300 Log - Log of work-related injuries and illnesses

4. PROCEDURES

Incarcerated individuals incurring actual or potentially disabling injuries in the course of institutional work assignments are eligible to apply for compensation under the laws of Iowa. **Iowa Code Chapter 85.59**

A. Reporting Requirement

1. An incarcerated individual suffering any injury or accident shall report that incident to his/her supervisor immediately. If the injury requires medical attention, the supervisor shall ensure that the incarcerated individual is seen by Health Services and shall complete an incident report and/or accident report.
2. The facility the injured incarcerated individual is assigned to is responsible for completing all forms for an incarcerated individual injury occurring at an off grounds private sector employer.
3. Medical staff shall ensure the incarcerated individual receives appropriate medical care and shall maintain a copy of all reports associated with such an injury in a form that later can be duplicated for processing by other departments without disrupting the normal use of the medical file.

4. Any incidents that result in lost time away from work shall be reported to the state's claim manager.
5. For a work related injury that meets the "recordable" criteria, OSHA 300 log will be kept for staff and an OSHA 300 log will be kept for incarcerated individuals. If the injury is "recordable" a FROI must be completed and submitted and it must be entered on the OSHA 300 log within seven calendar days from when first received the information, to enter that information on the 300 log and complete and submit a FROI.
6. Private sector employers shall record incarcerated individual injuries on their 300 log. The facility Safety Officer shall make the FROI to the state's claim manager.
7. The incarcerated individual is not eligible for a work allowance for time not worked.
8. The Safety Officer shall complete an accident investigation within 5 calendar days after a serious injury that is reported to IOSHA.

B. Claim Processing

1. The designated staff in each institution shall maintain a supply of the proper forms for filing claims under the applicable compensation procedures.
2. Staff may assist incarcerated individuals in completing the institution-related portion of the forms, to include providing a copy of any necessary medical treatment records that may be needed to establish the circumstances of the original injury.

C. Other

1. Medical co-pay shall not be applicable to work-related accidents unless the injury was a result of a willful intent to injure, or intoxication. **Iowa Code Chapter 85.16**
2. IDOC shall provide necessary medical treatment but shall not provide follow-up medical services solely intended to authenticate a continuing condition that the incarcerated individual contends may qualify him/her for

a disability or compensation claim. It is the incarcerated individual's responsibility to obtain such diagnostic information after release.

3. The IDOC assumes no responsibility for any continuing involvement in assisting the incarcerated individual in the compensation process, other than to provide any properly requested information to the incarcerated individual or to a legitimate third party investigating such a claim, provided that the incarcerated individual has executed a release for that information.
4. Weekly compensation benefits may be determined prior to incarcerated individual's release from the institution, but payment of benefits to an incarcerated individual will not commence until incarcerated individual's release from the institution either upon parole or final discharge. **Iowa Code Chapter 85.59.3b**