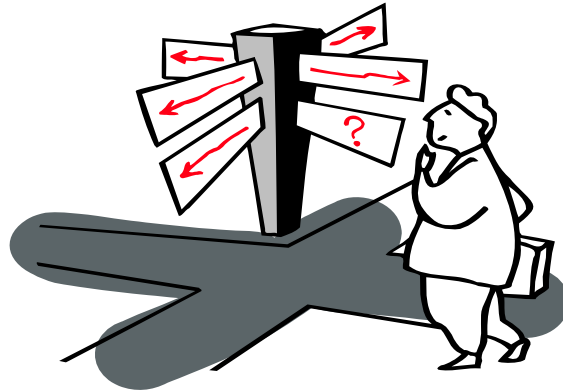


# MINNESOTA WORKERS' COMPENSATION



## TRAINING FOR EMPLOYERS

- WORKERS' COMPENSATION BASICS
- WHAT TO DO BEFORE AN INJURY OCCURS
- WHAT TO DO WHEN AN INJURY OCCURS OR IS REPORTED
- BENEFITS PROVIDED
- WHAT IS/IS NOT COVERED BY WORKERS' COMPENSATION
- EMPLOYER DO'S AND DON'TS

# Workers' Compensation Basics

- A NO-FAULT SYSTEM
  - Negligence by employer not necessary to establish liability
  - Negligence by employee is not a defense
  
- PROVIDES BENEFITS FOR WORK-RELATED INJURIES OR ILLNESSES
  - Traumatic injuries
  - Gradual onset injuries
  - Occupational diseases
  
- COVERS CONDITIONS CAUSED OR AGGRAVATED BY EMPLOYMENT ACTIVITIES
  - Employment activities need to be a substantial contributing factor
  
- BENEFITS PAID BY THE INSURER (EMPLOYER'S INSURANCE COMPANY OR BY EMPLOYER, IF SELF-INSURED)
  
- WAITING PERIOD – 3 CALENDAR DAYS
  - Begins with the first day of any lost time from work, including a fraction of a day
  - Counted in consecutive days beginning with that first day
  - Includes cases where there is loss of wages but not lost time
  - Benefits not payable during those first 3 calendar days unless there is lost time or wages on the 10<sup>th</sup> calendar day or beyond

# What To Do Before An Injury Occurs

- CHECK ALL EQUIPMENT; MAINTAIN A SAFE WORKPLACE
- DISPLAY THE WORKERS' COMPENSATION POSTER
- DEVELOP PROCEDURES FOR REPORTING INJURIES - TRAIN SUPERVISORS AND OTHER EMPLOYEES
- KNOW WHERE TO FIND THE FIRST REPORT OF INJURY FORM AND HOW TO FILL IT OUT
- KNOW THE FILING REQUIREMENTS IN MINNESOTA
- KNOW THE NAME, PHONE NUMBER, AND ADDRESS OF YOUR INSURER
- KEEP GOOD RECORDS; PROVIDE WRITTEN JOB DESCRIPTIONS
- DEVELOP RETURN TO WORK STRATEGIES
- HANDLE DISCIPLINARY PROBLEMS AS THEY OCCUR

# First Report of Injury

See Instructions on Reverse Side  
 PRINT IN INK OR TYPE  
 Enter dates in MM/DD/YYYY format.



DO NOT USE THIS SPACE

1. EMPLOYEE SOCIAL SECURITY #		2. OSHA Case #	
3. DATE OF CLAIMED INJURY		4. Time of injury <input type="checkbox"/> am <input type="checkbox"/> pm	5. Time employee began work on date of injury <input type="checkbox"/> am <input type="checkbox"/> pm
6. EMPLOYEE Name (last, first, middle)		7. Gender <input type="checkbox"/> M <input type="checkbox"/> F	8. Marital Status <input type="checkbox"/> Married <input type="checkbox"/> Unmarried
9. Home Address		10. Home phone #	11. Date of birth
City	State	Zip Code	12. Occupation
13. Regular department		14. Date hired	
15. Average weekly wage	16. Rate per hour	17. Hours per day	18. Days per week
19. Employment Status <input type="checkbox"/> Full time <input type="checkbox"/> Part time <input type="checkbox"/> Seasonal <input type="checkbox"/> Volunteer		21. Apprentice <input type="checkbox"/> Yes <input type="checkbox"/> No	
20. Weekly value of:	Meals	Lodging	2 <sup>nd</sup> Income
22. Tell us how the injury occurred and what the employee was doing before the incident (give details). Examples: "Worker was driving lift truck with a pallet of boxes when the truck tipped, pinning worker's left leg under drive shaft." "Worker developed soreness in left wrist over time from daily computer key entry."			
23. What was the injury or illness (include the part(s) of body)? Examples: chemical burn left hand, broken left leg, carpal tunnel syndrome in left wrist.		24. What tools, equipment, machines, objects, or substances were involved? Examples: chlorine, hand sprayer, pallet lift truck, computer keyboard.	
25. Did injury occur on employer's premises? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, indicate name and address of place of occurrence		26. Date of first day of any lost time	27. Employer paid for lost time on day of injury (DOI) <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No lost time on DOI
28. Date employer notified of injury		29. Date employer notified of lost time	
30. Return to work date		31. Date of death	
32. TREATING PHYSICIAN (name, address, and phone)		33. HOSPITAL/CLINIC (name and address) (if any)	
34. Emergency Room Visit <input type="checkbox"/> Yes <input type="checkbox"/> No		35. Overnight in-patient <input type="checkbox"/> Yes <input type="checkbox"/> No	
36. EMPLOYER Legal name		37. EMPLOYER DBA name (if different)	
38. Mailing address		39. Employer FEIN	40. Unemployment ID#
City	State	Zip Code	41. Employer's contact name and phone #
42. Physical address (if different)		43. Witness (name and phone)	
City	State	Zip Code	44. NAICS code
45. Date form completed		46. INSURER name	
51. CLAIMS ADMIN COMPANY (CA) name (check one) <input type="checkbox"/> Insurer <input type="checkbox"/> TPA		47. Insured legal name	
52. CA address		48. Policy # or self-insured certificate #	
City	State	Zip Code	49. Insurer FEIN
50. Date insurer received notice	53. CA FEIN	54. Claim #	

# What To Do When An Injury Occurs or Is Reported

- PROVIDE PROMPT MEDICAL CARE, IF NEEDED
- INVESTIGATE THE FACTS & TAKE ACTION TO PREVENT FUTURE INCIDENTS
- FILL OUT THE FIRST REPORT OF INJURY (FROI); GIVE A COPY TO THE EMPLOYEE
- GIVE THE EMPLOYEE A COPY OF THE “INFORMATION SHEET”
- **FILE THE FROI WITH THE INSURER WITHIN 10 DAYS FROM THE FIRST DAY OF LOST TIME OR DATE YOU WERE NOTIFIED OF THE INJURY/LOST TIME, WHICHEVER IS LATEST**
- *DO NOT WAIT FOR MEDICAL REPORTS BEFORE FILING THE CLAIM*
- STAY IN CONTACT WITH THE INJURED WORKER
- MONITOR THE INSURER’S ACTIONS; COMMUNICATE WITH THE ADJUSTER
- IMPLEMENT RETURN TO WORK STRATEGIES
- CALL THE DEPARTMENT OF LABOR AND INDUSTRY WITH QUESTIONS

## Minnesota workers' compensation system employee information sheet

### What does workers' compensation pay for?

- Medical care for the work injury, as long as it is reasonable and necessary
- Wage-loss benefits for part of your lost income (there is a three-calendar-day waiting period before these benefits start)
- Benefits for permanent damage or loss of function of a body part
- Benefits to your spouse and/or dependents if you die of a work injury
- Vocational rehabilitation services if you cannot return to your pre-injury job or to your pre-injury employer

### How are workers' compensation benefits paid?

Your workers' compensation benefits are paid by an insurance company or your employer, if your employer is self-insured. State law sets the benefit levels. Please note: pursuant to statute, the insurer can obtain medical information specific to your work injury without your authorization.

### If the insurer accepts your claim for wage loss benefits and you have been disabled for more than three calendar-days:

- The insurer will send you a copy of the *Notice of Insurer's Primary Liability Determination* form stating your claim is accepted.
- The insurer must start paying wage-loss benefits within 14 days of the date your employer knows about your work injury and lost wages. The insurer must pay benefits on time. Wage-loss benefits are paid at the same intervals as your work paychecks.

### If the insurer denies your claim for wage loss benefits:

- The insurer will send you a copy of the *Notice of Insurer's Primary Liability Determination* form stating it is denying primary liability for your claim. The form must clearly explain the facts and reasons why the insurer believes your injury or illness did not result from your work.
- If you disagree with the denial, you should talk with the insurance claims adjuster who is handling your claim. Your employer's insurance company can answer most questions about your claim.

Insurer name:

Phone :

- If you are not satisfied with the response you receive from the insurer and still disagree with the denial, you should contact the Department of Labor and Industry at one of the numbers listed below to see what to do next.

### If you have other questions or need more help, call the Minnesota Department of Labor and Industry Workers' Compensation Hotline:

Twin Cities and Southern Minnesota: **(651) 284-5005 or 1-800-342-5354; TTY (651) 297-4198**

Duluth and Northern Minnesota: **(218) 733-7810 or 1-800-365-4584**

Your call will be answered by experienced workers' compensation specialists, who will provide **instant, accurate information and assistance**. There is additional workers' compensation information on the department's Web site at [www.dli.mn.gov](http://www.dli.mn.gov).

**Your employer is required by law to give you this information. This material can be made available in different formats, such as large print, Braille or on audiotape, by calling the numbers printed above.**

Dated Aug. 1, 2000. This form may be copied or reproduced electronically. Do not file this form with the department.

# Wage Information

- Compensation benefit rates are based on two-thirds of the employee's average gross weekly wage earned at the time of injury. If the employee works regular or frequent overtime throughout the year, the overtime earnings need to be included in the gross weekly wage to correctly calculate the compensation rate.
- If an injured worker has more than one employer on the date of injury, wages from all employers must be taken into consideration to properly determine the gross weekly wage. (You might be asked to provide wage information if one of your employees also works and is injured elsewhere.)
- Earnings in addition to salary, such as declared tips, the value of room and board, etc. may be considered as part of the employee's wages, and if so, will be calculated as part of the gross weekly wage.

**NOTE:** To compute the gross weekly wage for part time or irregularly scheduled employees, the gross weekly wage is based on the employee's earnings over the last 26 weeks prior to the injury.

- For workers such as those in the mining, construction, or other industries whose hours are affected by seasonal conditions, the gross weekly wage is never less than five times the daily wage.
- The First Report of Injury asks for the following information:
  - Average weekly wage
  - Rate per hour
  - Hours per day
  - Days per week
  - Weekly value of meals, lodging, and 2nd income (if any)
  - Employment status: full time, part time, seasonal, volunteer

**NOTE:** 26-week wage statements should be attached to the First Report of Injury for part time or irregularly scheduled employees.

# **Benefits Provided By Workers' Compensation In Minnesota**

## **WAGE LOSS BENEFITS**

- two-thirds of the employee's average gross weekly wage at the time of injury subject to maximum and minimum rates
- time loss usually should be authorized by doctor
- includes Temporary Total Disability (TTD), Temporary Partial Disability (TPD), and Permanent Total Disability (PTD)

## **PERMANENT PARTIAL DISABILITY BENEFITS**

- % of whole body ratings
- payable after TTD ends

## **DEPENDENCY BENEFITS**

- payable to spouse, children, dependent parents and other partial dependents
- if no dependents, \$60,000 paid to the estate

## **MEDICAL COSTS**

- 100% coverage
- includes prescriptions
- includes reasonable mileage

## **REHABILITATION COSTS (IF NECESSARY)**

- return to work assistance

# What Is/Is Not Covered Under Workers' Compensation In Minnesota

(Note: This is not an exhaustive list, but rather a broad sketch of the workers' compensation landscape)

Covered	Not Covered
Work-related injuries/diseases	Injuries/diseases not in course and scope of employment
Injury due to employee's negligence	Intentional Injury
	Assault for purely personal reasons
	Injury during non-work time, off premises (generally)
	Mental stress injuries with no physical component
Work is substantial contributing cause of injury/disease	Superseding cause that breaks the chain of causation of injury
Aggravation of preexisting condition	Loss of wages where work injury is no longer a factor
Horseplay (goofing off)	Employee specifically prohibited from activity (not just the manner of performing the activity)
Wage loss benefits (total or partial loss)	Temporary total benefits of more than 104 weeks (130 weeks for injuries on or after 10/1/2008), regardless of the number of weeks since the injury
	Partial wage loss benefits for more than 225 weeks, or after 450 weeks after the date of injury, whichever occurs first
	Lost fringe benefits/items not part of wage agreement
Functional impairment benefit based on doctor's rating and Department rules	Conditions not objectively measurable
	Payment for pain and suffering without a loss of wages unless specified
Wage loss benefits to dependents of deceased employee	Compensation for loss of spousal relationship
Vocational rehabilitation services	Domestic services such as cleaning, grass cutting, snow plowing
	Family counseling
Retraining (educational program)	Unnecessary retraining, retraining for

Covered	Not Covered
	unsuitable work
Medical Services (reasonable/necessary)	“Maintenance” services not providing significant relief
Travel expenses connected with medical treatment, job search, and retraining	Travel expenses, connected with employment
Day care to complete vocational rehabilitation plan	Day care during medical recovery
Medical appliances, health club	Jacuzzi big enough for the family, best exercise bicycle on market with unnecessary features, personal trainer when general membership in club sufficient
Nursing services	Home nursing services by family member, unless employee is permanently totally disabled

# Accident Cost Analysis

## I. Direct Accident Costs

- A. Medical Treatment Costs and Miscellaneous Expenses \_\_\_\_\_
- B. Indemnity Costs \_\_\_\_\_
- Subtotal \_\_\_\_\_

## II. Indirect Accident Costs

- A. Time lost by other employees (hourly rate x number of employees affected) \_\_\_\_\_
- B. Time lost by supervisor(s) (investigations, resetting up, transportation, etc.) \_\_\_\_\_
- C. Cost of spoiled product \_\_\_\_\_
- D. Cost of lost production time \_\_\_\_\_
- E. Cost of overtime to make up scheduled production \_\_\_\_\_
- F. Cost of retraining new employee (include personal costs, advertising, etc.) \_\_\_\_\_
- G. Cost of guarding, repairing, or replacing equipment (include maintenance labor costs if done in-house) \_\_\_\_\_
- H. Cost of continued benefits to injured employee  
Cost of retraining returning employee \_\_\_\_\_
- J. Cost of reduced production of returning employee \_\_\_\_\_
- K. Management costs (time spent investigating accident, accompanying insurer or OSHA inspectors, etc.) \_\_\_\_\_
- L. Cost of fines (OSHA, etc.) \_\_\_\_\_
- M. Miscellaneous costs \_\_\_\_\_
- Subtotal \_\_\_\_\_

Total Accident Costs \_\_\_\_\_



## WORKERS' COMPENSATION INSURANCE: MAY AN EMPLOYER PAY SMALL MEDICAL BILLS?

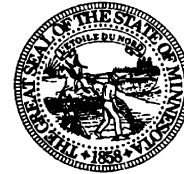
Many employers have asked the Department of Labor and Industry whether it is permissible for an employer which is insured for workers' compensation to pay small medical bills directly. Employers are concerned about their high workers' compensation costs and may consider direct payment of minor expenses as a means to minimize their workers' compensation losses and premiums. The following information is designed to assist employers who are considering these cost-cutting approaches by identifying cautions and concerns which could be overlooked.

- 1) It is **illegal** for an employer to pay medical bills on a workers' compensation claim unless that employer has been approved by the Minnesota Department of Commerce to self insure for workers' compensation benefits. In other words, an employer which purchases workers' compensation insurance from a company licensed in Minnesota is required to report any work-related injuries to that insurance company. It is then the insurer's responsibility to make the workers' compensation payment. An employer which is paying bills instead of the insurer is partially self-insuring the loss. This is not allowed under Minnesota Statutes §176.181 unless approval is obtained by the Minnesota Department of Commerce.
- 2) Paying workers' compensation medical bills directly probably violates the employer's contract with the insurance carrier. Since the typical insurance contract requires reporting of all work-related injuries and payment by the workers' compensation insurer for covered medical bills, failure to report injuries may result in: 1) an underpayment of workers' compensation premiums to the insurer, 2) an improper experience rating, and 3) can ultimately lead to cancellation of the insurance contract for failure of the employer to fulfill its obligations under the insurance agreement.
- 3) Failure by the employer to report an injury to the insurer frequently leads to claims problems. Because the workers' compensation law is rather complex, containing numerous details regarding time or deadlines for payment, forms which must be filed, etc., penalties may result if the claim is handled inappropriately. If the error leading to penalty liability was the fault of the employer, the insurer may pass that cost on to the employer. Additionally, the insurer has training concerning investigation of a work-related injury and knowledge concerning whether or not benefits are due. The employer may jeopardize its ability to adequately defend its claim, or opportunities to minimize losses if the insurer does not have immediate knowledge of the injury.

## Other Options to Control Costs

Instead of paying small medical bills directly in contravention of the insurance agreement, the employer may:

- 1) Purchase a deductible policy in which all claims are reported to and paid by the insurer, but the insurer charges back a deductible amount to the employer in exchange for a rate reduction. The employer may wish to discuss this option with an insurance agent or the Minnesota Department of Commerce.
- 2) Become self-insured through approval by the Minnesota Department of Commerce, thereby directly managing and paying for all of its workers' compensation claims. Small businesses can join together as a group to self-insure their workers' compensation liability. This self-insurance approach eliminates the insurer's profit margin, but requires substantial financial resources to cover actual and potential claims.
- 3) Control its losses and costs through an aggressive safety and disability management program. Further information is available from the Department of Labor and Industry through both the Occupational Safety and Health Division and the Workers' Compensation Division concerning these topics. Seminars, speakers, written information, and consultation is available to assist in these efforts.



## WORKERS' COMPENSATION INSURANCE COVERAGE - GENERAL INFORMATION

This document outlines, generally, the insurance coverage requirements under Minnesota workers' compensation law. Since each employment situation is unique, you are encouraged to consult specific statutory provisions to determine how the law applies to your particular set of facts. The citations listed at the end of this outline may be of assistance to you.

### COVERAGE REQUIREMENTS

Under Minnesota Statutes 176.021, every employer is liable to pay compensation in every case of personal injury or death of an employee arising out of and in the course of employment. Minnesota Statutes 176.181, subd.2 requires employers who have not been approved for self insurance to provide workers' compensation insurance for their employees. Employers are generally defined as those who hire others to perform services. Employees are generally defined as persons performing services for another for hire including minors and workers who are not citizens.

Some entities, if they have no employees, are not employers so they have no one to insure:

1. SOLE PROPRIETORSHIPS: Individually or family run, non-incorporated businesses owned by one person including true independent contractors, where any employees are immediate family members (a spouse, parent or child, regardless of age). Note: Once a non-immediate family member is hired, insurance is required.
2. PARTNERSHIPS: Partners in business or farm operations where every employee is a partner or a spouse, parent or child of a partner, regardless of age. (Please refer to the attached "Definitions" section.)

Other categories of employment are excluded from the workers' compensation coverage requirement:

1. CLOSELY-HELD CORPORATIONS: Executive officers owning 25% or more of a closely-held corporation or a spouse, parent or child of the executive officer, regardless of age, are automatically excluded unless the business elects to cover them. To qualify for this exemption, such corporations must have 10 or fewer shareholders and less than 22,880 hours of payroll in the preceding calendar year.

Employees of such a corporation who are more distantly related by blood or marriage to an executive officer (who is a 25% or more owner) of the corporation may also be excluded by filing a written request to be excluded. This includes

brothers, sisters, aunts, uncles, grandparents, and grandchildren. Cousins may not be excluded from coverage. For further information, please refer to our information sheet entitled "Corporations".

2. LIMITED LIABILITY COMPANIES: There are exclusions for managers and members of their families here that are similar to the exclusions for closely held corporations.
3. FAMILY FARM OPERATIONS: Persons employed by a family farm which pays or is obligated to pay cash wages in the preceding calendar year of less than the statutory designated amounts. That amount is \$8,000 unless the operation has \$300,000 in total liability insurance coverage and \$5,000 in medical insurance coverage for farm laborers. Where the \$300,000 and \$5,000 coverage amounts are met, the farm operation may pay up to the statewide average annual wage (about \$46,036 in 2006) in payroll to farm laborers in the previous year before workers' compensation insurance coverage is required. The farmer-employer's immediate family members, farmers or their family members exchanging work within the community and their employees are also exempted from coverage. Executive officers of a family farm corporation are excluded. For further information, please refer to our information sheet entitled "The Farmer-Employer Exception".
4. CASUAL EMPLOYEES: An employee who is not working in the usual course of the trade, business, profession or occupation of the employer and both the employee and employer understand that the employment is meant to be for one time or infrequent rather than permanent or periodically regular.
5. HOUSEHOLD WORKERS: This includes a domestic, repairer, groundskeeper or maintenance worker at a private household who earns less than \$1,000 cash during a quarter of the year unless more than \$1,000 was earned in any quarter of the previous year.
6. OTHER EXCLUSIONS: Veterans organization officers and members attending meetings and conventions; nonprofit associations with a total annual payroll for all employees of less than \$1,000 and persons covered under the Domestic Volunteer Service Act of 1973 (Vista volunteers, foster grandparents).

### **ELECTION OF COVERAGE**

The Minnesota Workers' Compensation Act provides that insurance coverage may be purchased for many of the excluded persons. When such coverage is provided, the insured person becomes an "employee" as defined within the statute. When coverage is elected, written notice must be provided to the insurer and becomes effective the day following receipt of the notice or at a later date requested in the notice. The person for whom coverage is elected should then be listed on the workers' compensation policy.

An employer contracting with an independent contractor may also provide insurance for that entity. However see "Independent Contractor" definition below, particularly for the construction industry. The provider of the insurance may only charge the independent contractor a fee for the coverage if the independent contractor elects in writing to be covered and is issued an

endorsement setting forth the terms of the coverage, the names of the persons covered, the fee charged, and how the fee is calculated.

## **DEFINITIONS**

**INDEPENDENT CONTRACTOR:** Individuals who are independent contractors with no employees are not covered by workers' compensation insurance unless the entity contracting with the independent contractor elects to purchase insurance for them. Note: If the independent contractor is actually an employee, the employer's workers' compensation policy will cover them. The workers' compensation statute does not contain a definition of "independent contractor." When a question arises as to whether a particular relationship is that of employer-employee or that of two entities contracting independently, a five-factor test has been developed through case law that generally allows an employer or employee to make some judgments concerning the appropriate characterization. This test involves analyzing the following five factors:

1. The right to control the means and manner of performance;
2. The mode of payment;
3. The furnishing of tools and materials;
4. Control over the premises where the work was done; and
5. The right of discharge.

Guhlke v. Roberts Truck Lines, 128 N.W.2d 324 (1964)

The degree of control one party has the right to exert over another has become the primary factor to consider. Control over or the right to control another's job duties is an indication of an employer relationship. Hunter v. Crawford Door Sales 501 N.W.2d 623 (1993)

In the construction industry the law provides that any "independent contractor" is an employee of the employer for whom they are doing the work in the course of the business/occupation of the employer unless they meet all nine criteria set out in Minnesota Statutes §176.042. Effective July 1, 2008, the Department of Labor and Industry is scheduled to begin certifying independent contractors in the construction industry.

In 1986, the Commissioner of Labor and Industry was authorized by the legislature to create rules to further define the term "independent contractor". Minnesota Rules Chapter 5224 contains guidelines for assessing independent contractor or employee status for 34 specific occupations. The rules define the particular occupation and then list certain criteria that must be substantially met in order for the person in that occupation to be characterized as either an independent contractor or an employee. If all of the criteria are not met, Minnesota Rules, Part 5224.0320 provides general criteria to evaluate whether the person is an employee or an independent contractor.

The occupations identified within the rules include artisans, barbers, bookkeepers and accountants, bulk oil plant operators, collectors, consultants, domestic service, babysitters,

industrial homeworkers, laborers, commission salespeople or manufacturers representatives, traveling salespeople, house-to-house dealer salespeople, agent drivers, photographers' models, professional persons, doctors of medicine - part time for industrial firms, real estate and securities salespeople, registered and practical nurses, unlicensed "nurses", taxicab drivers, timber fellers, sawmill operators, truck owner-drivers, waste materials haulers, messenger/couriers, variety entertainers, sports officials, jockeys and trainers. Minnesota Rules, Parts 5224.0020 through 5224.0312.

**PARTNERSHIPS:** Generally, partners in partnerships formed under the Uniform Partnership Act are excluded from workers' compensation coverage. Under Minnesota Statutes §323A.0101, subd.8, a partnership is defined as "an association of two or more persons to carry on as co-owners a business for profit, including a limited liability partnership, formed under section 323A.0202, predecessor law, or comparable law of another jurisdiction." In other words, a partnership is a contractual relationship in which two or more persons have combined their property, labor, and skill in an enterprise or business in which they have the common interest of generating profit and also assume together the risk of loss.

## **REFERENCES**

**MINNESOTA STATUTES CHAPTER 176:** The Workers' Compensation Act. Copies of the handbook containing the law and related rules are available from Minnesota's Bookstore, 660 Olive St, St Paul MN 55155, telephone (651) 297-3000 or 1-800-645-9747 (Minnesota toll free).

### **Provisions specific to coverage found in the handbook:**

M.S. 176.011:	Defines important terms used in the statute.
M.S. 176.041:	Exclusions, exceptions and election of coverage.
M.S. 176.051:	Assumption of liability, farm and household workers, ridesharing.
M.S. 176.021, subd. 1:	Outlines the basic requirement for coverage by employers.
M.S. 176.181:	Compulsory insurance provisions.
M.S. 176.184:	Enforcement powers.
Minnesota Rules, Chap. 5224:	Independent Contractor Status

### **Other References:**

M.S. 323A:	Uniform Partnership Act
M.S. 323A.0101, subd. 8:	Defines Partnership
M.S. 323A.0202:	Formation of Partnership after 2001

**NOTE:** The Department of Labor and Industry has available a number of general information sheets containing details that may provide answers to your particular questions. While the Workers' Compensation Division of the Department of Labor and Industry does not give binding legal opinions as to whether particular persons must carry workers' compensation insurance, these outlines give helpful information about workers' compensation coverage and other workers' compensation issues. These are available by calling (651) 284-5030 or 1-800-342-5354 (toll free).

In addition, the following publications are available without charge through the Minnesota Small Business Assistance Office, 1st National Bank Building, 332 Minnesota St Ste E200, St Paul MN 55101, telephone (651) 556-8425 or 1-800-310-8323 (toll free):

A Guide To Starting A Business In Minnesota  
and  
An Employer's Guide To Employment Law Issues In Minnesota

# Training Resource Guides

## Workers' Compensation Phone Numbers

**Toll Free Number: 1-800-342-5354**

TOPIC	PHONE #	LOCATION
Apportionment	651-284-5032	Benefit Management and Resolution (BMR)
Assessments paid to the Special Compensation Fund	651-284-5045	Claims Services and Investigations (CSI)
Attorney fees	651-284-5032	BMR
Awards	651-361-7900	Office of Administrative Hearings (OAH)
Benefits (weekly or permanent partial)	651-294-5032	BMR
Bookstore (order statutes and rules)	651-297-3000	Minnesota's Bookstore
Brochures or written Information	651-284-5025	Policy Development, Research & Statistics
Change of physician	651-284-5032	BMR
Claim files (to review or copy)	651-284-5200	Copy File Review
Claim Petition form questions	651-361-7900	OAH
Claim questions	651-284-5032	BMR
Compensation rates	651-284-5032	BMR
Conference and hearing scheduling	651-361-7900	OAH
Coverage - who must be insured	651-284-5032	BMR
Data privacy	651-284-5032	BMR
Denial of benefits	651-284-5032	BMR
Discontinuance of Benefits	651-284-5032	BMR
Discontinuance Conference request (239's)	651-361-7912	OAH
Experience modifications	612-897-1737	Workers' Compensation Insurer's Association
Federal Employees' Workers' Compensation	312-596-7157 or 866-692-7487	U.S. Department of Labor

TOPIC	PHONE #	LOCATION
Forms questions: <ul style="list-style-type: none"> <li>• How to complete or what to use (not reimbursement forms)</li> <li>• Reimbursement forms</li> <li>• Forms online</li> </ul>	651-284-5030 651-284-5045	BMR CSI <a href="http://www.dli.mn.gov/WC/Wcforms.asp">www.dli.mn.gov/WC/Wcforms.asp</a>
Fraud: Report instances of workers' compensation fraud	651-284-5066 or 888-372-8366	Minnesota Department of Commerce Investigative Services
Health care provider complaints	651-284-5173	Data Management & Training (DMT)
Independent contractors: <ul style="list-style-type: none"> <li>• Certification program</li> <li>• Insurance coverage</li> <li>• Other questions</li> </ul>	651-284-5074 651-284-5045 651-284-5032	Construction Codes & Licensing Division CSI BMR
Insurance verification questions:	651-284-5170	BMR
Iowa workers' compensation	800-562-4692	State of Iowa
Managed care licensing	651-284-5173	DMT
Mediation	651-284-5032	BMR
Medical conferences	651-284-5030	BMR
Medical fee schedule: <ul style="list-style-type: none"> <li>• Copies</li> <li>• Questions</li> </ul>	651-297-3000 651-284-5032	Minnesota's Bookstore BMR
Medical issues	651-284-5032	BMR
Motions	651-361-7900	OAH
North Dakota workers' compensation	800-777-5033	State of North Dakota
Objection to Discontinuance form questions	651-361-7900	OAH
Objection to Penalty Assessment form questions	651-284-5030	BMR Compliance
Orders	651-361-7900	OAH
Penalties	651-284-5030	BMR Compliance
Permanent partial disability: <ul style="list-style-type: none"> <li>• Copies of Schedule</li> <li>• General questions</li> </ul>	651-297-3000 651-284-5032	Minnesota's Bookstore BMR
Petition forms	651-361-7900	OAH

<b>TOPIC</b>	<b>PHONE #</b>	<b>LOCATION</b>
Policy premium rates	651-297-7161 or 952-897-1737	Minnesota Department of Commerce Insurance Division Workers' Compensation Insurer's Association
Posters	651-284-5030	DMT
Qualified rehabilitation consultant (QRC) complaints and training	651-284-5032	DMT
QRC registration and training	651-284-5036	BMR Compliance
Rehabilitation: <ul style="list-style-type: none"> <li>• Copies of current rules</li> <li>• Conferences, forms, and general questions</li> <li>• Rehabilitation services</li> </ul>	651-297-3000 651-284-5032 651-284-5038	Minnesota's Bookstore BMR Vocational Rehabilitation Unit
Reopening benefits	651-284-5032	BMR
Request for formal hearing questions	651-361-7900	OAH
Return to work questions	651-284-5032	BMR
Rules: <ul style="list-style-type: none"> <li>• Copies of current rules</li> <li>• Questions on proposed rules</li> </ul>	651-297-3000 651-284-5019	Minnesota's Bookstore Legal Services
Second Injury reimbursements	651-284-5045	CSI
Serious or fatal injury reporting	651-284-5041	DMT
Settlement conferences	651-361-7900	OAH
South Dakota workers' compensation	605-773-3681	State of South Dakota
Statistics	651-284-5025	Policy Development, Research & Statistics
Statute book	651-297-3000	Minnesota's Bookstore
Stipulations	651-361-7900	OAH
Subpoena forms	651-361-7900	OAH
Subrogation claim orders	651-284-5019	Legal Services
Supplementary benefits reimbursement	651-284-5045	CSI
Uninsured Claims	651-284-5045	CSI
Vocational rehabilitation services	651 284-5038	Vocational Rehabilitation Unit
Wisconsin workers' compensation	608-266-1340	State of Wisconsin

## Helpful Web Sites:

[www.dli.mn.gov](http://www.dli.mn.gov)

**Minnesota Department of Labor and Industry**

for official department forms, announcements,  
helpful information, and links to the  
workers' compensation statutes and rules

[www.revisor.leg.state.mn.us](http://www.revisor.leg.state.mn.us)

**The Minnesota Office of the Revisor of Statutes**

for online access to the statutes and rules

[www.comm.media.state.mn.us](http://www.comm.media.state.mn.us)

**Minnesota's Bookstore**

to order copies of the statutes and rules

[www.wcra.biz](http://www.wcra.biz)

**Workers' Compensation Reinsurance Association**

for benefit calculators and other information

[www.health.state.mn.us/divs/fpc/directory/fpcdir.html](http://www.health.state.mn.us/divs/fpc/directory/fpcdir.html)

**Minnesota Department of Health**

for a directory of licensed providers and health care facilities

[www.dol.gov/esa/owcp/regs/statutes/stwclaw/stwclaw.htm](http://www.dol.gov/esa/owcp/regs/statutes/stwclaw/stwclaw.htm)

**United States Department of Labor**

for information about states' workers' compensation laws

# Employer Do's and Don'ts

## DO:

- purchase Workers' Compensation insurance
- make sure premiums are paid on time
- display the Minnesota Workers' Compensation poster
- prepare ahead of time just in case an injury is reported
  - know the name, phone number, and address of your insurer
  - communicate injury reporting procedures to all employees
- file First Reports of Injury properly
- stay in touch with employee after the injury occurs
- plan ahead for return to work strategies
- treat employees as you would like to be treated
- call the Department of Labor and Industry if you have any questions/problems

## DON'T:

- ignore employee disciplinary problems
- refuse to file a claim even if you doubt the validity
- ask the employee to fill out the First Report of Injury
- wait for medical report before filing the claim with insurer
- pay medical bills on your own
- ignore requests for information from the insurer or state
- forget to put safety first

**“THE BEST WAY TO AVOID WORKERS’ COMPENSATION PROBLEMS  
IS TO AVOID AS MANY INJURIES AS POSSIBLE”**