

## Minnesota Workers' Compensation Law Reference Sheet



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### A. Types of Injuries Triggering Liability

**Specific Injury (M.S. 176.021):** EE's injury result of a single/specific event

**Gillette Injury:** EE's injury result of repetitive trauma

**Occupational Diseases (M.S. 176.011, subd. 15(a)):** disease arising out of an in the course of employment peculiar to the occupation (conditions of employment)

**Consequential Injuries:** Subsequent injuries or disabilities that are a direct and natural consequences of a previous compensable injury

**Idiopathic Injuries:** Condition which results from a preexisting or underlying infirmity or disease personal to employee (i.e. epileptic seizures, fainting spells, and non-occupational heart conditions); conditions themselves are *not* compensable, but results of injury from fall due to condition are compensable if the employment placed the employee in a position increasing the risk of harm

**Psychological/Mental Injuries:** Compensation allowed for cases in which mental stimulus produces a physical injury, or where physical stimulus produces mental injury; but not for mental injury caused by mental stimulus

### B. Common Defenses

**Causal Relationship:** Did not arise out of or in the scope of employment

**Intoxication (M.S. 176.021):** If employee's intoxication is the proximate cause of the injury, it will not be compensable

**Self-Inflicted (M.S. 176.021):** If an injury was intentionally self-inflicted, it will not be compensable as long as no work nexus is present

**Fraud (See *Jewison v. Frederichs Construction*, 434 N.W.2d 259 (Minn. 1989)):** If an employee falsely represents a physical condition or health at the time of hire, the injury may not be compensable pursuant to the three-part test

**Late Notice:** see "C. Employee Deadlines"

**Late Claim Filing:** The employee must file a claim for benefits within 3 years after the filing of a First Report of Injury with DOLI; OR if no First Report of Injury is filed, the employee must file a claim for a work injury within 6 years after the date of injury

**Voluntary Removal from Labor Market (*Paine v. Beek's Pizza*, 323 N.W.2d 812 (Minn. 1982)):** May preclude finding of total disability where claimant is partially disabled and fails to work within restrictions

### C. Employee Deadlines

#### **Employee Reports Injury (M.S. 176.141)**

- *1-14 days:* ER must have actual knowledge of injury or receive written notice before compensation will be due
- *14-30 days:* ER may show prejudice to affect compensation
- *30-180 days:* If ER is prejudiced and EE offers no excuse, compensation may be affected to the extent of the prejudice
- *180+ days:* No compensation allowed unless EE unable to give notice due to mental or physical incapacity or if ER engaged in fraud

#### **Employer Reports Injury**

- 48 hrs after death/serious injury. If EE is disabled more than 3 days, ER must report w/in 10 days to IR; IR must report to DOLI w/in 14 days

#### **Denial of Liability (M.S. 176.221)**

- Filed within 14 days, if liability accepted can later deny with amended NOPLD within 60 days

### D. Payment Deadlines

**TTD (M.R. 5220.2540, subp. 1)** = Within 14 days of notice, and on dates EE would have received regular wages

**TPD (M.R. 5220.2540, subp. 1)** = Within 10 days of EE sending in paystub

**Awards/Orders (M.S. 176.221, subd. 8)** = Paid within 14 days of filing

**Medical Bills (M.R. 5221.0600, subp. 3)** = No later than 30 days after receipt of bill, unless denial or request for more information sent in writing

#### **Appeal of Administrative Decisions (M.S. 176.239 and 176.106)**

- Discontinuance within 60 days after decision/within 30 days of medical rehab decision

**Answer to Claim Petition (M.S. 176.321)** = 20 days from service

**Med/Rehab Response (M.R. 5220.2620, subp. 3)**

- 20 days from service of Med/Rehab Request

**Response to Petition to Vacate (M.R. 98110, subp. 3)**

- 45 days (or motion to extend)



### **E. Calculation of Indemnity Benefits**

#### **Average Weekly Wage (M.S. 176.011, subd. 1.b.)**

- Daily wage (total earnings in preceding 26 weeks ÷ days actually worked) multiplied by number of days normally worked in a week

#### **Temporary Total Disability (M.S. 176.101, subd. 1)**

- Exists if an injury “totally incapacitates the employee from working at an occupation which brings the employee an income.” See *Shulte v. C.H. Peterson Constr. Co.*, 153 N.W.2d 130 (Minn. 1967)
  - Compensation = 2/3 of AWW, subject to max and min rates

#### **Temporary Partial Disability (M.S. 176.101, subd. 2)**

- Not statutorily defined; 4 elements in case law = 1) work-related injury resulting in disability, 2) the loss of earning capacity must be causally related to the work-related disability, 3) EE must be able to work subject to the disability, and 4) actual loss of earning capacity
  - Compensation = 2/3 of difference between AWW and wage EE is able to earn in temporarily partially disabled condition

#### **Permanent Partial Disability (M.S. 176.101, subd. 2a)**

- Intended to compensate for permanent loss or impairment of a bodily function, not dependent on wage loss or ability to work
  - Compensation = statutory schedule, based on % disabled per PPD regulations

#### **Permanent Total Disability (M.S. 176.101, subd. 4)**

- Injury before 10/1/1995 = statutorily defined: loss of eye sight, arms, legs, paralysis, loss of mental facilities; or *Schulte* definition: physical disability in combination with EE’s age, education, training causes EE to secure nothing more than sporadic employment and insubstantial income (codified in 1992 under Minn. Stat. 176.101, subd. 5)
- Injury on or After 10/1/1995 = Added thresholds to prove permanent total disability: 1) EE has 17% permanent partial disability rating, 2) EE has rating of 15% and EE is 50 years old at time of injury, 3) EE has rating of 13% and EE is 55 years old at time of injury
  - Compensation = paid during period of PTD but after a total of \$25,000 of weekly compensation, amount of benefits reduced by disability benefits paid by government disability programs

### **F. Significant Dates of Benefit Changes**

- 8/1/1975** TTD unlimited
- 10/1/1975** M.S. 176.645 becomes effective for adjustment of benefits (for DOI after 10/1/75)
- 10/1/1977** TPD unlimited
- 1/1/1984** TTD unlimited 90 days after MMI or retraining  
Retirement presumed with receipt of Social Security Old Age and Survivor’s Retirement Benefits, is rebuttable by employee
- 7/1/1987** Second injury fund cases become apportionable
- 6/30/1992** Second injury fund reimbursement repealed for injuries after is date
- 7/1/1992** Attorney fee maximum raised from 6,500 to 13,000
- 10/1/1992** For DOI on and after, apply COLA on 2nd anniversary  
No TPD after 225 weeks paid or after 450 weeks from DOI, whichever comes first
- 7/1/1993** "New" PPD Schedule
- 10/1/1995** Major benefit overhaul (see 1995 Benefit Changes section)
- 4/28/2000** Minimum amount of dependency compensation is increased to \$60,000  
Burial expenses increased to \$15,000  
Payment increased to \$60,000 to estate death w/ no dependents
- 10/1/2000** New PPD schedule  
Retraining filing limitation increased from 104 to 156 weeks
- 8/1/2002** Intervention rights extinguished for failure to timely intervene
- 10/1/2008** Maximum compensation rate increased to \$850  
TTD cap increased from 104 to 130 weeks  
Retraining filing required increased from 156 weeks 208 weeks
- 10/1/2013** Maximum compensation rate increased to 102% of State AWW



### G. 1995 Benefit Changes

- 7/1/1995** Arbitration an apportionment per M.S. 176.191 allowed after \$10,00 in medical paid or weeks of wage loss
- 8/1/1995** Supplementary benefits repealed
- 10/1/1995**
- Attorneys must consolidate paid issues in one proceeding
  - IC and ERC cease; PPD paid pursuant to schedule
  - Civil damages up to \$15,000 to EE directly from ER if ER fails to offer continued employment without reasonable cause or retaliatory discharge
  - Maximum penalties under M.S. 176.225 increased to 30%
  - TPD not payable with receipt of unemployment comp
  - TTD limited to 104 weeks and subject to cessation/recommendation provisions:
    - 1) Return to work
    - 2) Termination for misconduct
    - 3) Withdrawal from labor market
    - 4) Failure to diligently look for appropriate work
    - 5) Release to RTW without restrictions
    - 6) Refusal of gainful employment or job with rehab plan
    - 7) 90 days after notice of MMI
  - PTD benefits: age retirement presumption, rebuttable/PTD minimum benefit increased to 65% AWW
  - PTD thresholds become effective. PTD requires
    - 1) 17% PPD
    - 2) EE age 50 on DOI and 15% PPD
    - 3) EE age 55 on DOI, no GED or grade 12 completion, 13% PPD

### H. Compensation Rates

Date	Maximum	Minimum
	SAWW or gross wage, whichever is less, but in no case less than 20% of SAWW. 50% / 20%	
<b>10/1/1977</b>		
<b>10/1/1977</b>	\$197.00	\$98.50 / \$39.40
<b>10/1/1978</b>	\$209.00	\$104.50 / \$41.80
<b>10/1/1979</b>	\$226.00	\$113.00 / \$45.20
<b>10/1/1980</b>	\$244.00	\$122.00 / \$48.80
<b>10/1/1981</b>	\$267.00	\$133.50 / \$53.40
<b>10/1/1982</b>	\$290.00	\$145.00 / \$58.00
<b>10/1/1983</b>	\$313.00	\$156.50 / \$62.60
<b>10/1/1984</b>	\$329.00	\$164.50 / \$65.80
<b>10/1/1985</b>	\$342.00	\$171.00 / \$68.40
<b>10/1/1986</b>	\$360.00	\$180.00 / \$71.00
<b>10/1/1987</b>	\$376.00	\$188.00 / \$75.20
<b>10/1/1988</b>	\$391.00	\$195.50 / \$78.20
<b>10/1/1989</b>	\$413.00	\$206.50 / \$82.60
<b>10/1/1990</b>	\$428.00	\$214.00 / \$85.60
<b>10/1/1991</b>	\$443.00	\$221.50 / \$88.60
<b>10/1/1992</b>	Maximum changed to 105% of SAWW. Minimum changed to 20% of SAWW or actual wage, whichever is less.	
<b>10/1/1992</b>	\$481.00	\$91.80
<b>10/1/1993</b>	\$508.20	\$96.80
<b>10/1/1994</b>	\$516.60	\$98.40
<b>10/1/1995</b>	Maximum and Minimum set by statute. Minimum is amount below or actual wage, whichever is less. For PTD claims Minimum of 65% of SAWW	
<b>10/1/95-9/30/00</b>	\$615.00	\$104.00
<b>10/1/00-9/30/08</b>	\$750.00	\$130.00
<b>10/1/08-9/30/13</b>	\$850.00	\$130.00
<b>10/1/2013</b>	Maximum changed to 102% of SAWW	
<b>10/1/2013</b>	\$963.90	\$130.00
<b>10/1/2014</b>	\$980.22	\$130.00
<b>10/1/2015</b>	\$1,008.78	\$130.00
<b>10/1/2016</b>	\$1,046.52	\$130.00



**J. PPD Schedule: Impairment Compensation**

**I. Adjustment of Benefits Under M.S. 176.645**

	<b>DOI before 10/1/1992</b>	<b>DOI 10/1/92 - 9/30/1995</b>	<b>DOI on or after 10/1/1995</b>
10/1/1992*	3.61%	-	-
10/1/1993	5.45%	-	-
10/1/1994	1.65%	1.65%	-
10/1/1995**	2.64%	2.64%	-
10/1/1996	3.76%	3.76%	-
10/1/1997	5.53%	4.00%	-
10/1/1998	4.70%	4.00%	-
10/1/1999	6.00%	4.00%	2.00%
10/1/2000	4.39%	4.00%	2.00%
10/1/2001	5.92%	4.00%	2.00%
10/1/2002	3.24%	3.24%	2.00%
10/1/2003	2.28%	2.28%	2.00%
10/1/2004	3.06%	3.06%	2.00%
10/1/2005	4.59%	4.00%	2.00%
10/1/2006	1.03%	1.03%	1.03%
10/1/2007	3.32%	3.32%	2.00%
10/1/2008	5.20%	4.00%	2.00%
10/1/2009	3.29%	3.29%	2.00%
10/1/2010	-1.14%	-1.14%	-1.14%
10/1/2011	3.23%	3.23%	2.00%
10/1/2012	2.23%	2.23%	2.00%
10/1/2013***	3.17%	3.17%	2.00%
10/1/2014	1.69%	1.69%	1.69%
10/1/2015	2.91%	2.91%	2.00%
10/1/2016	3.74%	3.74%	2.00%

\*For DOI on or after 10/1/92, first adjustment deferred until end anniversary date, not to exceed 4% per year

\*\*For DOI on or after 10/1/95, first adjustment deferred until 4<sup>th</sup> anniversary date, not to exceed 2% per year

\*\*\*For DOI on or after 10/1/13, first adjustment deferred until 3<sup>rd</sup> anniversary date, not to exceed 3% per year

Permanent Partial Compensation  
(Effective for DOI between 10/1/95-9/30/00)

<b>% Disability</b>	<b>Amount</b>
0-25	\$75,000
26-30	\$80,000
31-35	\$85,000
36-40	\$90,000
41-45	\$95,000
46-50	\$100,000
51-55	\$120,000
56-60	\$140,000
61-65	\$160,000
66-70	\$180,000
71-75	\$200,000
76-80	\$240,000
81-85	\$280,000
86-90	\$320,000
91-95	\$360,000
96-100	\$400,000

**K. Schedule for Permanent Partial Compensation**

Effective for DOI on or after 10/1/2000

<b>% Disability</b>	<b>Amount</b>	<b>% Disability</b>	<b>Amount</b>
Less than 5.5	\$75,000	50.5 to less than 55.5	\$165,000
5.5 to less than 10.5	\$80,000	55.5 to less than 60.5	\$190,000
10.5 to less than 15.5	\$85,000	60.5 to less than 65.5	\$215,000
15.5 to less than 20.5	\$90,000	65.5 to less than 70.5	\$240,000
20.5 to less than 25.5	\$95,000	70.5 to less than 75.5	\$265,000
25.5 to less than 30.5	\$100,000	75.5 to less than 80.5	\$315,000
30.5 to less than 35.5	\$110,000	80.5 to less than 85.5	\$365,000
35.5 to less than 40.5	\$120,000	85.5 to less than 90.5	\$414,000
40.5 to less than 45.5	\$130,000	90.5 to less than 95.5	\$465,000
45.5 to less than 50.5	\$140,000	95.5 up to and including 100	\$515,000



**L. Supplementary Benefit/Minimum PTD 65% SAWW**

Date	Amount	Date	Amount
10/1/1983	\$204.00	10/1/1999	\$400.00
10/1/1984	\$214.00	10/1/2000	\$481.00
10/1/1985	\$223.00	10/1/2001	\$442.00
10/1/1986	\$234.00	10/1/2003	\$467.00
10/1/1987	\$245.00	10/1/2004	\$481.00
10/1/1988	\$255.00	10/1/2005	\$504.00
10/1/1989	\$269.00	10/1/2006	\$509.00
10/1/1990	\$249.00	10/1/2007	\$526.00
10/1/1991	\$288.00	10/1/2008	\$553.00
10/1/1992	\$299.00	10/1/2009	\$571.00
10/1/1993	\$315.00	10/1/2010	\$565.00
10/1/1994	\$320.00	10/1/2011	\$583.00
10/1/1995	Repealed for injuries on/after	10/1/2012	\$596.00
10/1/1995	\$329.00	10/1/2013	\$615.00
10/1/1996	\$341.00	10/1/2014	\$624.65*
10/1/1997	\$360.00	10/1/2015	\$642.85*
10/1/1998	\$377.00	10/1/2016	\$667.00

\*Min. PTD: Round up for Supplementary Benefit

**Interest on Benefits for Periodic Payments ([www.wcra.com](http://www.wcra.com))**

$$\frac{N(N-1)}{2} \left( \frac{\text{Comp. Rate} \times \text{Interest Rate}}{52} \right) = \text{Periodic Interest Owning}$$

N=Number of weeks during payment period

**M. Settlements/Stipulations (M.S. 176.521 and M.R. 1420.2050)**

**Stipulation:** A valid agreement must be executed in writing in accordance with the requirements set forth under M.R. 1420.2050, subp. 1. Parties may stipulate to an award and it must be approved by a judge. A stipulation must be filed within 45 days of the date the parties reach an agreement.

**Settlement:** Generally four types of settlements are used (“to-date,” limited future closeout, partial settlement, and full final complete). Appeals court may set aside award pursuant to M.S. 176.521 for cause.

**N. Third Party Action (M.S. 176.061)**

ER or IR have right to recover payments made to injured EE, regarded as right of subrogation. EE has right to pursue tortfeasor who is stranger to EE-ER relationship. The interaction between the workers’ compensation benefits system and common law remedies of an injured worker has become increasingly complicated.

**O. Special Compensation Fund (176.129)**

The Special Compensation Fund’s chief function is to reimburse a second injury claim as a mechanism to encourage an employer to rehire an employee with a significant disability by limiting that employer’s later liability for reinjury. Also, it makes workers’ compensation payments to injured workers whose employers did not have workers’ compensation insurance at the time of the injury.

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