

# Workers' Compensation Laws: Minnesota

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A Q&A guide to workers' compensation law for employers in Minnesota. This Q&A addresses Minnesota laws requiring workers' compensation coverage, including the benefits process, penalties for an employer's failure to obtain workers' compensation coverage, and anti-retaliation provisions. Federal, local, or municipal law may impose additional or different requirements. Answers to questions can be compared across a number of jurisdictions (see *Workers' Compensation Laws: State Q&A Tool* (<http://us.practicallaw.com/w-000-3207>)).

## OVERVIEW OF STATE WORKERS' COMPENSATION LAW

**1. Please provide a brief description of employers' obligations under your state's workers' compensation law (for example, obtaining workers' compensation coverage, posting a notice to employees). Please also:**

- Identify which employers are covered by the law and whether there are any exemptions.
- Describe any limits or restrictions placed on covered employers (for example, prohibitions on terminating employees while they are receiving workers' compensation benefits or restrictions on when covered employers can use workplace drug tests).
- Identify which employees are covered by the law and whether there are any exceptions. Are independent contractors and interns covered by the law?
- State whether the law provides for a private right of action.
- Identify the state agency or entity that administers the law.

## DESCRIPTION

Minnesota's Workers' Compensation Act is a no-fault system for injured employees and their beneficiaries to recover benefits for work-related injuries (Minn. Stat. § 176.001).

Covered employers must:

- Obtain workers' compensation coverage through either:
  - an insurance policy; or
  - self-insurance (see Question 3: Requirements for Self-Insurance).
- Post a notice in a conspicuous place in all of its locations that states that the employer has workers' compensation insurance coverage and informs employees of:
  - their rights and obligations;
  - available assistance;
  - the workers' compensation process; and
  - either the insurance carrier's name and address or the fact that the employer is self-insured.

(Minn. Stat. § 176.139(1) and model poster.)

## COVERED EMPLOYERS

Any person or entity that employs another person to perform a service for hire is a covered employer, including:

- Corporations.
- Partnerships.
- Limited liability companies.
- Associations.
- Groups of persons.

(Minn. Stat. § 176.011(10).)

## LIMITS OR RESTRICTIONS FOR COVERED EMPLOYERS

Minnesota employers may be liable in civil damages for:

- Retaliating against or intentionally obstructing an employee from claiming or attempting to claim workers' compensation benefits (Minn. Stat. § 176.82(1) and see Question 10).
- Refusing to offer an injured employee continued employment that is available and within the employee's physical restrictions (Minn. Stat. § 176.82(2)).



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## COVERED EMPLOYEES

The law covers any person performing services for another for hire, including:

- ✦ Minors.
- ✦ Aliens.
- ✦ Part-time workers.

(Minn. Stat. § 176.011(9).)

Those excluded from coverage include:

- ✦ Independent contractors (see State Q&A, Independent Contractors: Minnesota (<http://us.practicallaw.com/6-510-0949>)).
- ✦ Sole proprietors.
- ✦ Partners in business and farm operations.
- ✦ Executive officers of closely held corporations.
- ✦ Managers of limited liability companies.
- ✦ Executive officers of family farm corporations.
- ✦ Casual employees.
- ✦ Household workers who earn less than \$1,000 in a three-month period, unless more than \$1,000 was earned in any quarter of the previous year at that household.

(Minn. Stat. § 176.041(1).)

## PRIVATE RIGHT OF ACTION

The Minnesota Workers' Compensation Act is the exclusive remedy for work-related injury or death and covered employees do not have a private right of action against covered employers (Minn. Stat. § 176.031).

## ADMINISTRATION

The Minnesota Department of Labor and Industry's Division of Workers' Compensation administers compliance with workers' compensation requirements.

## WORKERS' COMPENSATION COVERAGE

### 2. Please state whether an employer can opt out of workers' compensation coverage.

Covered employers cannot opt out of workers' compensation coverage.

### 3. Please describe an employer's options for obtaining workers' compensation coverage. If an employer can self-insure, please describe the requirements to qualify to self-insure.

## OBTAINING WORKERS' COMPENSATION COVERAGE

An employer can choose to obtain workers' compensation coverage from:

- ✦ An insurance company, either directly or through an insurance agent.
- ✦ The Minnesota Workers' Compensation Assigned Risk Plan, through either:
  - ✦ an insurance agent; or
  - ✦ the Minnesota Workers' Compensation Insurers Association.
- ✦ Self-insurance.

## REQUIREMENTS FOR SELF-INSURANCE

Employers or groups of employers can self-insure by using their assets instead of an insurance policy to insure against workers' compensation obligations. To qualify for a self-insurance license from the Minnesota Department of Commerce's Self-Insurance Division, employers must provide proof of financial ability to pay compensation (Minn. Stat. § 79A.01 to 79A.18), including:

- ✦ Audited financial statements showing a certain minimum:
  - ✦ net worth; and
  - ✦ current assets to liabilities ratio.
- ✦ A positive net income.

(MN DOC: Self Insurance Requirements.)

Employers seeking to self-insure must also pay the following fees:

- ✦ \$4,000 nonrefundable initial application fee.
- ✦ \$400 nonrefundable initial application fee to join a group of self-insured employers.
- ✦ \$500 annual report fee (due August 1 of every year).

(Minn. Stat. § 176.181(2a); Self-Insurance Application.)

A self-insurance license is valid for two years and may only be revoked with 10 days' notice.

### 4. Please identify which workplace injuries and illnesses are covered by workers' compensation. If there are key terms of art, please define them.

## WORK-RELATED INJURIES AND ILLNESSES

Minnesota's workers' compensation covers any injury or death caused by an accident arising out of and in the course of employment, regardless of any negligence by the employer or the employee (Minn. Stat. § 176.021(1)).

The following types of injuries or illnesses, if causally connected to the employment, are compensable:

- ✦ Traumatic injuries.
- ✦ Gradual onset injuries.
- ✦ Occupational diseases.
- ✦ Conditions caused or aggravated by employment activities.
- ✦ Mental injury caused by physical stimulus.
- ✦ Physical injury caused by mental stimulus.
- ✦ Mental injury caused by mental stimulus from an injury that occurred on or after October 1, 2013.
- ✦ An injury or disease from a vaccine that addresses an actual or potential employment-related health risk.

(Minn. Stat. § 176.011(16).)

## KEY TERMS OF ART

Most of the primary "terms of art" under the Minnesota Workers' Compensation Act are defined under Section 176.011 of the Minnesota Statutes, including:

## Maximum Medical Improvement

The date of maximum medical improvement is the date after which further recovery from, or lasting improvement to, an injury or disease can no longer reasonably be anticipated, based on reasonable medical probability, regardless of any subjective complaints (Minn. Stat. § 176.011(13a)).

## Occupational Disease

An "occupational disease" is a mental impairment or physical disease:

- Arising out of and occurring in the course of employment peculiar to the employee's occupation.
- Due to causes in excess of the hazards of ordinary employment.

(Minn. Stat. § 176.011(15).)

An occupational disease is only compensable if it is:

- Directly and proximately caused by the employment.
- Recognized as a hazard characteristic of and peculiar to the:
  - trade;
  - occupation;
  - process; or
  - employment.
- Not from a hazard the worker would have been equally exposed to outside of employment.

(Minn. Stat. § 176.011(15).)

## WORKERS' COMPENSATION BENEFITS

### 5. Please briefly describe the workers' compensation benefits process. Please include information on:

- When an employee must notify his employer of an injury or illness.
- When an employer must submit information about an injury or illness to its carrier or the state agency or entity.
- When a decision on compensation must be made.
- The standard of review for determinations on compensation.
- If a decision can be appealed, how a party appeals.

## BENEFITS PROCESS OVERVIEW

The benefits process starts when an employee gives his employer written notice of a workplace injury or death and seeks compensation. The employer submits a First Report of Injury form (FROI) to both the Minnesota Division of Workers' Compensation (MDWC) and its insurer. The insurer or self-insured employer must then timely accept or deny the claim. Denials may be appealed to the Minnesota Department of Labor and Industry (MDOLI).

## NOTIFYING THE EMPLOYER

An employee starts a claim by notifying his employer of the accident and injury in writing and applying for benefits through the employer (Minn. Stat. §§ 176.141, 176.145).

Compensation is not paid unless and until the employer:

- Has actual knowledge of the injury.
- Receives written notice within 14 days of the injury.

(Minn. Stat. § 176.141.)

Failing to give notice within 180 days affects compensation to the extent that the delay or defect in notice prejudices the employer. If, however, notice is not given within 180 days of the injury, benefits are not paid at all unless physical or mental incapacity caused the employee's failure to give notice. (Minn. Stat. § 176.141.)

## WHEN TO SUBMIT INFORMATION

The timeframe for submitting information to an insurance carrier or the MDOLI depends on the nature of the injury.

An incident that results in:

- Serious injury or death must be reported by the employer within 48 hours of its occurrence to:
  - the MDOLI commissioner; and
  - the insurance carrier;
- An injury that wholly or partially incapacitates an employee from working for more than three calendar days must be reported by:
  - the employer to the insurance carrier (using the FROI form) within 48 hours of its occurrence; and
  - the insurance carrier or self-insured employer to the MDOLI within 14 days of its occurrence.

(Minn. Stat. § 176.231(1).)

If a reported injury subsequently results in an employee's death, an employer must inform the MDOLI and its insurance carrier within 48 hours of receiving notice (Minn. Stat. § 176.231(1)).

For any injury that must be reported to the MDOLI within 48 hours, the employer may initially notify the MDOLI personally or by telephone and then file the FROI form within seven days or as the MDOLI designates (Minn. Stat. § 176.231(2)).

## WHEN A DECISION MUST BE MADE

An insurer must file the Notice of Insurer's Primary Liability Determination form, either accepting or denying the claim, within 14 days of receiving an employee's petition for benefits (Minn. Stat. § 176.221(1)).

Employers and insurers can amend an admission of liability within 60 days and terminate compensation payment by filing a notice of denial of liability within that 60-day period (Minn. Stat. § 176.221(1)).

## STANDARD OF REVIEW

The standard of review for evaluating a claim is whether the injury is "compensable." The burden of proof is allocated so that:

- The employee must prove that the injury arises out of and in the course of employment, regardless of any negligence by the employee.
- The employer, if raising the defense, must prove the injury was intentionally self-inflicted or caused by the employee's intoxication.

(Minn. Stat. § 176.021(1); see Question 4.)

Questions of fact are determined by a preponderance of the evidence while questions of law or determined on an "even-handed" basis (Minn. Stat. § 176.021(1a)).

## APPEALING A DECISION

An employee can generally appeal a denial within three years of the date the employer first reported the incident to the MDOL commissioner but not more than six years from the date of the accident by filing with an MDOL and serving on the employer and insurance carrier:

- An Employee's Claim Petition.
- A doctor's report that supports his claim.

Either an employee or an employer can file a Medical Request or a Rehabilitation Request with the MDOL, which will then schedule an administrative conference with a mediator.

If the parties are unable to resolve their dispute, the mediator issues a binding Decision and Order, which either party can appeal by filing a Request for a Formal Hearing.

In simple cases involving, for example, the amount of a medical bill, the MDOL will issue a Decision and Order but, in more complex cases, may send the case directly to the Office of Administrative Hearings (OAH).

A party has:

- Up to 60 days to appeal an OAH decision to the Workers' Compensation Court of Appeals (WCCA) (Minn. Stat. § 176.421(1), (2)).
- 30 days to seek the Minnesota Supreme Court's review of a WCCA decision or order (Minn. Stat. § 176.471(1)).

### 6. Please state whether the employer or employee has the right to choose the treating physician.

An employee can choose his own treating physician unless the employer:

- Requires an employee to receive treatment and supplies from a state-certified managed care plan.
- Is part of a collective bargaining agreement that specifies using a healthcare provider from an approved list of providers.

(Minn. R. 5218.0200(5); Minn. Stat. § 176.1812.)

A physician is considered to be the employee's primary healthcare provider after two visits (Minn. R. 5221.0430(1)).

The employee may change the primary healthcare provider:

- Within 60 days after the injury, once without the employer's or insurer's authorization or permission.
- More than 60 days after the injury, only with the approval of the:
  - employer;
  - insurer; or
  - Workers' Compensation commissioner.

(Minn. R. 5221.0430(2).)

### 7. If an employee can be required to submit to a medical examination, please identify which party is responsible for the cost of the examination.

An employer or insurer can require an injured employee to submit to an independent medical examination (IME) by the employer's doctor (Minn. Stat. §176.155).

The IME must be held within 150 miles of the employee's residence (unless the employer can show cause to hold the IME further away) and the employer is responsible for the employee's IME-related expenses, including:

- Reasonable travel expenses, including:
  - mileage;
  - parking; and,
  - if necessary, lodging and meals.
- Lost wages.

(Minn. Stat. § 176.155(1).)

### 8. Please describe the types of benefits available to injured employees. For each, please:

- State whether there is a waiting period before an employee is eligible to receive the benefit. If there is a waiting period, please identify the timeframe.
- Provide a brief description of how the benefit is calculated.

## BENEFITS AVAILABLE TO INJURED EMPLOYEES

Injured employees and their beneficiaries are eligible to receive:

- Medical benefits.
- Wage replacement benefits, which are categorized into four types that depend on the extent of the employee's incapacity:
  - temporary partial disability (TPD);
  - permanent partial disability (PPD);
  - temporary total disability (TTD); and
  - permanent total disability (PTD).
- Vocational rehabilitation benefits.
- Death benefits.

### Medical Benefits

Injured employees are entitled to reasonable and necessary medical treatment or supplies to cure or relieve the effects of a work-related injury or illness (Minn. Stat. § 176.135).

Types of treatment and services include:

- Psychological.
- Chiropractic.
- Podiatric.
- Surgical.
- Hospital.

(Minn. Stat. § 176.135(1)(a).)

The employer is also responsible for the repair or replacement of artificial members, glasses, dentures or artificial teeth, hearing aids, canes, crutches, or wheelchairs damaged by reason of a compensable injury (Minn. Stat. § 176.135(1)(d)).

#### **Wage Replacement Benefits**

Wage replacement benefits are paid for:

- ⌘ **Temporary partial disability (TPD)**, which is when an employee who has returned to work is earning less than his pre-injury gross weekly wage **because** of the injury.
- ⌘ **Permanent partial disability**, which is when an employee permanently loses functional use of a body part (Minn. Stat. § 176.101(2a)).
- ⌘ **Temporary total disability**, which is when an employee is unable to work due to a work-related injury (Minn. Stat. § 176.101(1)).
- ⌘ **Permanent total disability**, which is defined as when an employee has sustained:
  - ⌘ the total and permanent loss of the sight of both eyes;
  - ⌘ the loss of both arms at the shoulders;
  - ⌘ the loss of both legs so close to the hips that no effective artificial members can be used;
  - ⌘ complete and permanent paralysis; or
  - ⌘ total and permanent loss of mental faculties.

(Minn. Stat. § 176.101(5).)

PTD also includes any other injury that totally and permanently incapacitates an employee from working and the employee has at least a:

- ⌘ 17% PPD rating of the whole body;
- ⌘ 15% PPD rating of the whole body and the employee is at least 50 years old at the time of injury; or
- ⌘ 13% PPD rating of the whole body and the employee is at least 55 years old at the time of injury and has not completed Grade 12 or obtained a GED.

(Minn. Stat. § 176.101(5).)

#### **Vocational Rehabilitation Benefits**

Vocational rehabilitation is intended to help an injured employee return to a job that gives the employee the same economic status he would have had without the injury (Minn. Stat. § 176.102(1)(b)).

Employers are responsible for rehabilitation expenses, including:

- ⌘ Evaluating, preparing, and implementing a rehabilitation plan.
- ⌘ The reasonable costs of:
  - ⌘ tuition;
  - ⌘ books;
  - ⌘ travel and custodial care during the job interview process; and
  - ⌘ relocation.
- ⌘ Retraining, which provides a formal course of study designed to return an injured worker to suitable employment

(Minn. Stat. § 176.102(9), (11).)

#### **Death Benefits**

The spouse, children, and other dependents of an employee who dies because of a work-related accident or occupational disease may receive dependency benefits (Minn. Stat. § 176.111).

#### **WAITING PERIOD AND TIME FRAME**

##### **Wage Replacement Benefits**

Compensation for disability benefits generally begins on the fourth day after the employee sustains the injury. However, if the employee's injury lasts ten or more days, the employer must also give compensation for the first three days after the injury. (Minn. Stat. § 176.121.)

#### **CALCULATION OF BENEFITS**

##### **Temporary Partial Disability (TPD)**

TPD payments are equal to 66.67% of the difference between the employee's average gross weekly wage at the time of injury and the employee's current gross weekly average earnings, with statutory minimums and maximums that vary based on the date of injury (Minn. Stat. § 176.101(2)). For injuries that occurred on or after October 1, 1992, TPD benefits are paid for a maximum of 225 weeks of paid benefits or 450 weeks after the date of injury, whichever occurs first (Miss. Stat. § 176.101(2)).

##### **Permanent Partial Disability (PPD)**

PPD benefit amounts are based on a statutory disability schedule that varies depending on the date of injury and are paid after TTD ends and at the same rate and intervals as TTD benefits (Minn. Stat. § 176.101(2a) and see Temporary Total Disability).

##### **Temporary Total Disability (TTD)**

TTD payments are equal to 66.67% of the employee's gross weekly wage at the time of injury, with statutory minimums and maximums that depend on the date the injury occurred (Minn. Stat. § 176.101(1)).

TTD benefits are paid while an employee is totally unable to work due to a work-related injury for up to:

- ⌘ 104 weeks for injuries that occurred between October 1, 1995 and September 30, 2008.
- ⌘ 130 weeks for injuries that occurred on or after October 1, 2008.

(Minn. Stat. § 176.101(1).)

##### **Permanent Total Disability Benefits (PTD)**

PTD payments are equal to 66.67% of the gross weekly wage the employee was earning on the date of the injury, in an amount:

- ⌘ Up to the maximum weekly compensation for a TTD (see Temporary Total Disability).
- ⌘ At least 65% of the statewide average weekly wage.

(Minn. Stat. § 176.101(4).)

#### **Death Benefits**

The following death benefits are paid if an employee dies as a result and within three years of a compensable accident or disease:

- ⌘ Burial expenses up to \$15,000 (Minn. Stat. § 176.111(18)).

- A compensation amount that depends on the age, relationship to the deceased, and number of survivors, up to 66.67% of the deceased employee's weekly wage at the time of injury and, in total, not more than the maximum weekly TTD allowance.

(Minn. Stat. §§ 176.111, 176.151(b).)

## PENALTIES

### 9. Please describe the possible penalties, both civil and criminal, for an employer's failure to obtain workers' compensation coverage or post a required notice.

#### CIVIL PENALTIES

An employer that fails to:

- Post the mandatory workers' compensation notice may be required to pay a penalty of \$500 into Minnesota's assigned risk safety account (Minn. Stat. § 176.139(2)).
- Obtain workers' compensation coverage may be required to:
  - provide workers' compensation coverage;
  - refrain from employing any person; and
  - pay up to \$1,000 per employee for each week the employee was not covered.

(Minn. Stat. § 176.181(3).)

#### CRIMINAL PENALTIES

Willfully and intentionally failing to secure coverage is a gross misdemeanor (Minn. Stat. § 176.181(4)).

## ANTI-RETALIATION

### 10. If your state's workers' compensation law prohibits retaliation, please include information on:

- What specific acts are protected.
- How retaliation is defined.
- What elements must be proven for an employee to prevail on a retaliation claim.
- The defenses, if any, that are available to employers.
- The statute of limitations for bringing a retaliation claim.

#### PROTECTED ACTS

Minnesota employees have the right to claim or attempt to claim workers' compensation benefits without detrimental consequences (Minn. Stat. § 176.82(1)).

#### RETALIATION DEFINITION

Retaliation occurs when an employer, in response to an employee's protected activity:

- Discharges the employee.
- Threatens to discharge the employee.
- Intentionally obstructs the employee from claiming benefits.

(Minn. Stat. § 176.82(1).)

## ELEMENTS OF A RETALIATION CLAIM

### Retaliatory Discharge Claim

To prove a retaliatory discharge claim, an employee must show that:

- He engaged in activity protected under the Workers' Compensation Act.
- His employer took an adverse employment action.
- The adverse employment action was in response to the protected activity.

(*Schmitz v. U.S. Steel Corp.*, 831 N.W.2d 656, 670 (Minn. 2013).)

The burden then shifts to the employer to articulate a legitimate, nondiscriminatory reason for the adverse employment action. If the employer meets that burden, the employee then has to show, by a preponderance of the evidence, that the employer's purported reason is a pre-text (*Schmitz*, 831 N.W.2d at 670).

### Threatening to Discharge

To establish a claim for threatening to discharge, a plaintiff must show that:

- A person who knew that the plaintiff had sustained a workplace injury tried to dissuade him, through one or more communications, from seeking benefits.
- He experienced a reasonable fear of discharge as a result of those communications.
- That fear made him stop seeking workers' compensation benefits.

(*Schmitz*, 831 N.W.2d at 669.)

### Intentional Obstruction

In intentional obstruction cases, an employee must show that his receipt of workers' compensation benefits was **actually** obstructed (*Bergeson v. U.S. Fid. & Guar.*, 414 N.W.2d 724, 727 (Minn. 1987)).

## DEFENSE

An employer's defenses to a retaliation claim include that:

- The employee did not engage in protected activity (see Protected Acts).
- The employer had a legitimate reason for discharging the employee.

## STATUTE OF LIMITATIONS

The statute of limitations for retaliation claims under Section 176.82(1) of the Minnesota Statutes is six years (*McDaniel vs. United Hardware Distrib.*, 469 N.W.2d 84, 85 (Minn. 1991)).

## WORKERS' COMPENSATION EXCLUSIVITY

### 11. Please identify the types of claims that are barred by workers' compensation law. If there are exceptions, please identify them.

#### GENERAL EXCLUSIVITY

Minnesota's workers' compensation law is the exclusive remedy for work-related injuries or illnesses (Minn. Stat. § 176.031).

## NON-COMPENSABLE INJURIES

### Mental Injury

Claims for mental injury caused by mental stress are not compensable, other than post-traumatic stress disorder (PTSD) for injuries that occurred on or after October 1, 2013. To be compensable, the PTSD must:

- ❑ Be diagnosed by a licensed psychiatrist or psychologist.
- ❑ Meet the description of PTSD in the most recent edition of the *Diagnostic Statistical Manual of Mental Disorders*.

(Minn. Stat. § 176.011(15), (16).)

PTSD is not a compensable personal injury if it arises from an employment action taken in good faith, including:

- ❑ Disciplinary action.
- ❑ Work evaluation.
- ❑ Job transfer.
- ❑ Layoff.
- ❑ Demotion.
- ❑ Promotion.
- ❑ Termination.
- ❑ Retirement.

(Minn. Stat. § 176.011(15), (16).)

### Intentional Injury by Another

An injury caused by a third person or fellow employee who intended to injure the employee for personal reasons, and not directed against the employee as an employee, or because of the employment is not compensable (Minn. Stat. § 176.011(15)).

### Intentionally Self-Inflicted Injury

The workers' compensation law expressly precludes compensation for an employee's intentionally self-inflicted injury (Minn. Stat. § 176.021(1)).

### Intoxication

The workers' compensation law expressly precludes compensation for an injury caused by the employee's intoxication (Minn. Stat. § 176.021(1)).

### Willful Negligence

The workers' compensation law expressly precludes compensation for an injury caused by an employee's **willful** negligence (Minn. Stat. § 176.031).

## JOINT EMPLOYER LIABILITY

### 12. Please state whether your jurisdiction recognizes joint employment under workers' compensation law. If so:

- ❑ Can more than one employer receive the protection of the workers' compensation benefits bar to claims?
- ❑ If available, please briefly describe the standard to determine joint employer status.

## JOINT EMPLOYMENT

Minnesota recognizes joint employment under workers' compensation law (Minn. Stat. § 176.071). If more than one employer is liable for an employee's injury, the employee may choose to recover benefits through any or all liable employers.

## PROTECTION FOR MULTIPLE EMPLOYERS

In a joint employment situation, the employers' workers' compensation contribution is in proportion to their wage liabilities to the employee (Minn. Stat. § 176.071).

If any of the employers is exempted from carrying workers' compensation coverage and is not liable for compensating the injured employee, the employers liable for workers' compensation are liable in proportion to the entire compensation their wage liability bears to the injured employee's entire wages. Joint employers may also agree on different contribution arrangements so long as the employee receives the entire benefit amount to which he is entitled. (Minn. Stat. § 176.071.)

## STANDARD FOR JOINT EMPLOYER STATUS

Joint employment occurs when an employee is providing services for more than one employer when he is injured. When an employee is employed by two or more entities, each employer has joint and several liability for injuries to the worker. An employee can therefore seek benefits from all the employers or only one of them. Any notice provided to one employer is deemed notice to all.

In joint employment situations, where one joint employer is uninsured, the Minnesota Compensation Fund (which is statutorily responsible for benefits from uninsured employers) is not liable for benefits. As a result, the insured joint employer will be responsible for providing any benefits that the joint employee may be entitled to.

## ADDITIONAL RESOURCES

### 13. If the state agency charged with oversight of the workers' compensation law in your state has useful online guidance or forms, please provide the link for those resources and a brief description of them.

The Minnesota Department of Labor and Industry has useful Minnesota workers' compensation law forms and guidance on Minnesota workers' compensation law on its website.

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