

Labor, Industry

CHAPTER 175

DEPARTMENT OF LABOR AND INDUSTRY

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**175.001 REORGANIZATION OF STATE AGENCY.** Subdivision 1. **Creation and organization.** The department of labor and industry is created under the supervision and control of the commissioner of labor and industry which office is hereby established. The commissioner of labor and industry, who shall be in unclassified service, shall be appointed by the governor by and with the advice and consent of the senate for a four year term which shall coincide with the term of the governor and until his successor is duly appointed and has qualified. The governor may remove the commissioner at any time for cause after notice and hearing. In case of a vacancy, the governor may appoint a commissioner, who shall immediately take office and shall carry on all of the duties of the office until the next session of the legislature, when his appointment shall be submitted to the senate for approval. On January 4, 1971, the term of the incumbent commissioner shall expire.

Subd. 2. **Oath.** The commissioner before entering upon the duties of his office, shall take the oath prescribed by law.

Subd. 3. [ Repealed, 1969 c 1129 art 8 s 17 ]

Subd. 4. **Delegation of powers, duties, responsibilities.** Subject to his control and under such conditions as he may prescribe, the commissioner may delegate any of his powers, duties, and responsibilities to an employee of his department. Appointments to exercise delegated power shall be by written order filed with the secretary of state.

Subd. 5. **Powers and duties.** Subject to the provisions of sections 175.001 to 175.006, relating to worker's compensation all of the powers, duties and functions vested in or imposed upon the industrial commission immediately prior to July 1, 1967, are transferred to, vested in, and imposed upon the department of labor and industry.

[ Ex1967 c 1 s 1; 1969 c 1129 art 8 s 15; 1975 c 359 s 23 ]

**175.002 TRANSFER OF PROCEEDINGS.** Any claim, action, proceeding or other business or matter undertaken or commenced prior to the passage of Extra Session Laws 1967, Chapter 1, by a department, the functions and powers and duties whereof are by sections 175.001 to 175.006 assigned and transferred to another department and which is pending at the time of the passage of Extra Session Laws 1967, Chapter 1, may be conducted and completed by the new department in the same manner and under the same terms and conditions and with the same effect as though it were undertaken or commenced and conducted or completed by the former department prior to said transfer.

[ Ex1967 c 1 s 2 ]

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**175.003 TRANSFER OF EMPLOYEES.** All persons in the classified service employed by a department the functions, powers and duties of which are transferred by sections 175.001 to 175.006 to another department, are hereby transferred to such other department without loss to the employee of any rights the employee may have acquired by reason of his employment at the time of the transfer.

[ Ex1967 c 1 s 3 ]

**175.004 UNEXPENDED MONEY, REALLOCATION.** All unexpended funds appropriated to the department of labor and industry and industrial commission for the purposes of its functions, powers, or duties as heretofore administered by the industrial commission, shall be allocated by the commissioner of administration between the department of worker's compensation and the department of labor and industry as established by sections 175.001 to 175.006, and the funds so allocated are reappropriated therefor.

[ Ex1967 c 1 s 4; 1975 c 359 s 23 ]

**175.005 ABOLITION OF FORMER DEPARTMENT OF LABOR AND INDUSTRY AND INDUSTRIAL COMMISSION.** The department of labor and industry and the industrial commission as heretofore constituted are abolished and all of the now existing powers, duties and functions are transferred, vested, and imposed as provided by sections 175.001 to 175.006.

[ Ex1967 c 1 s 5 ]

**175.006 DIVISION OF WORKER'S COMPENSATION.** Subdivision 1. **Creation and organization.** The division of worker's compensation, generally administering the worker's compensation law, is created within the department of labor and industry. There is created as a separate appellate tribunal for worker's compensation, the worker's compensation court of appeals.

The worker's compensation court of appeals shall be composed of three judges learned in the law, each serving in the unclassified service of the state civil service. Each judge of the worker's compensation court of appeals shall be appointed by the governor, by and with the advice and consent of the senate, for a term of six years. The judges of the worker's compensation court of appeals as now created shall be the judges of the worker's compensation court of appeals until the expiration of the terms for which they have been appointed and qualified.

**Subd. 1a. Removals; vacancies.** The removal of judges of the worker's compensation court of appeals, and filling of vacancies on the worker's compensation court of appeals shall be as provided in section 15.0575.

**Subd. 2. Oath; chairman.** Each judge of the worker's compensation court of appeals shall devote his entire time to the duties of his office. The judge of the worker's compensation court of appeals whose term first expires shall be the chairman. Each judge of the worker's compensation court of appeals before entering upon the duties of his office, shall take the oath prescribed by law.

**Subd. 3.** [ Repealed, 1976 c 134 s 79 ]

**Subd. 4. Powers and duties.** The powers and duties and functions vested in or imposed upon the industrial commission immediately prior to July 1, 1967, by Minnesota Statutes 1965, Chapter 176, and other applicable laws relating to worker's compensation and by Minnesota Statutes 1965, Sections 251.041 to 251.053 and any act amendatory thereof, except as hereinafter provided, are transferred to, vested in, and imposed upon the commissioner of the department of labor and industry, the head of the worker's compensation division.

[ Ex1967 c 1 s 7; 1973 c 388 s 3,4; 1975 c 271 s 6; 1975 c 359 s 23; 1976 c 134 s 43,44,78 ]

**175.0061 POLICY.** To enable the worker's compensation court of appeals to adequately discharge its duties and responsibilities as an appellate tribunal with decisions subject to review only by the supreme court, the legislature recognizes that the persons appointed to such court should be experts in the worker's compensation field. The legislature therefore declares that it is in the public interest to retain such specialists as long as they are able and qualified to perform their duties and exercise their responsibilities with the highest degree of skill and with the honor and integrity which has traditionally characterized this appellate tribunal.

[ 1973 c 388 s 5; 1975 c 271 s 6; 1975 c 359 s 23; 1976 c 134 s 78 ]

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**175.007 ADVISORY COUNCIL ON WORKER'S COMPENSATION; CREATION.** Subdivision 1. The commissioner of labor and industry shall appoint, after consultation with the judges of the worker's compensation court of appeals, an advisory council on worker's compensation, which shall consist of five representatives of employers and five representatives of employees and three members representing the general public. The judges of the worker's compensation court of appeals shall be nonvoting members of the advisory council. The council shall expire and the terms, compensation and removal of members shall be as provided in section 15.059.

Subd. 2. The advisory council shall study and present to the legislature and the governor, on or before November 15 of each even numbered year, its findings relative to the costs, methods of financing, and the formula to be used to provide supplementary compensation to worker's who have been determined permanently and totally disabled prior to July 1, 1969, and its findings relative to alterations in the scheduled benefits for permanent partially disabled, and other aspects of the worker's compensation act.

Subd. 3. [ Repealed, 1975 c 315 s 26 ]  
[ 1969 c 926 s 1-3; 1975 c 271 s 6; 1975 c 315 s 13; 1975 c 359 s 23; 1976 c 134 s 78 ]

**175.01** [ Obsolete ]

**175.02** [ Repealed, 1969 c 9 s 51 ]

**175.03** [ Repealed, 1969 c 9 s 51 ]

**175.04** [ Repealed, 1969 c 9 s 51 ]

**175.05** [ Repealed, 1969 c 9 s 51 ]

**175.06** [ Repealed, 1969 c 9 s 51; 1969 c 1129 art 8 s 17 ]

**175.07 JUDGES OF THE WORKER'S COMPENSATION COURT OF APPEALS OR EMPLOYEES NOT TO TAKE PART IN POLITICAL CAMPAIGNS.** Every judge of the worker's compensation court of appeals and every officer or employee of the worker's compensation court of appeals or the department of labor and industry, who by solicitation or otherwise exerts his influence, directly or indirectly, to induce other officers or employees of the state to adopt his political views, or to favor any particular person or candidate for office, or to contribute funds for campaign or political purposes, shall be removed from his office or position by the authority appointing him.

[ 1921 c 81 s 5; 1969 c 9 s 35; 1975 c 271 s 6; 1975 c 359 s 23; 1976 c 134 s 78 ]  
(4036)

**175.08 OFFICE.** The worker's compensation court of appeals and the department of labor and industry shall maintain their main offices within the Minneapolis-Saint Paul metropolitan area and be provided by the commissioner of administration with suitable rooms and necessary furniture. They may hold sessions at any other place in the state when their convenience and that of the parties interested so requires.

[ 1921 c 81 s 6; 1969 c 9 s 36; 1975 c 271 s 6; 1975 c 348 s 1; 1975 c 359 s 23; 1976 c 134 s 78 ] (4037)

**175.09 QUORUM.** A majority of the judges of the worker's compensation court of appeals shall constitute a quorum for the exercise of the powers conferred and the duties imposed on the worker's compensation court of appeals. A vacancy shall not impair the right of the remaining judges of the worker's compensation court of appeals to exercise all the powers and perform all of the duties of the worker's compensation court of appeals.

[ 1921 c 81 s 7; 1969 c 9 s 37; 1975 c 271 s 6; 1975 c 359 s 23; 1976 c 134 s 78 ]  
(4038)

**175.092 TEMPORARY ASSIGNMENT OF COMPENSATION JUDGES AS WORKER'S COMPENSATION COURT OF APPEALS JUDGES.** In case of disqualification or illness of a workers' compensation court of appeals judge, the commissioner of the department of labor and industry may temporarily assign a compensation judge to take the place of the disqualified or ill judge of the workers' compensation court of appeals during the period of such disqualification or illness. The compensation judge

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so temporarily assigned shall have the same powers and duties as other judges of the worker's compensation court of appeals during the period of such assignment.

[ 1975 c 271 s 6; 1975 c 359 s 2; 1976 c 134 s 78 ]

**175.10 SESSIONS TO BE PUBLIC.** The department of labor and industry shall be open for the transaction of business during all business hours of each and every day, excepting Saturdays, Sundays and legal holidays. The hearings of the worker's compensation court of appeals and the worker's compensation division shall be open to the public and may be adjourned from time to time. All the proceedings of the worker's compensation court of appeals and the division shall be shown on their records, which shall be public records.

[ 1921 c 81 s 8; 1969 c 9 s 38; 1973 c 388 s 6; 1975 c 271 s 6; 1975 c 359 s 23; 1976 c 134 s 78 ] (4039)

## **175.101 DUTIES OF THE COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY AS HEAD OF THE WORKER'S COMPENSATION DIVISION.**

Subdivision 1. It is the legislative purpose in creating a division of worker's compensation, and in assigning to the commissioner of the department of labor and industry specific duties and responsibilities, to:

(a) provide for a unified department of labor and industry for the limited purposes of organization and administration of common administrative functions;

(b) assure the autonomy and maximum independence of the necessary adjudicative functions and quasi-legislative administrative duties of the division, and;

(c) separate and limit the functions and responsibilities of the existing worker's compensation court of appeals to those appropriate to an independent appellate reviewing body.

The commissioner of the department of labor and industry as head of the worker's compensation division is the administrator of the worker's compensation division. He shall possess only such powers and perform only such duties as are specifically prescribed by law.

Subd. 2. The commissioner of the department of labor and industry shall keep a full and true record of all proceedings of the worker's compensation division and the worker's compensation court of appeals, issue all necessary processes, writs, warrants, and notices which the division or worker's compensation court of appeals are required or authorized to issue and generally act as the administrator of the division of worker's compensation in the department of labor and industry. Notices and other documents required to be served or filed on the division of worker's compensation or the worker's compensation court of appeals shall be served on the commissioner of the department of labor and industry.

Subd. 3. The commissioner of the department of labor and industry shall appoint in the manner provided by law all personnel required by the worker's compensation court of appeals except that each worker's compensation court of appeals judge may appoint a secretarial assistant and a law clerk when necessary, each of whom shall be in the classified service of the state civil service. The commissioner of the department of labor and industry shall, in addition to providing for the above personnel, furnish the worker's compensation court of appeals with supplies, equipment, adequate quarters, parking facilities as available, a library, funds for the reimbursement of its expenses unless otherwise provided for by law, funds as needed for performance of duties under sections 176.155 and 176.391, taking of testimony, transcripts, and the serving of subpoenas and documents, unless otherwise provided for by law.

[ 1973 c 388 s 7; 1975 c 271 s 6; 1975 c 359 s 23; 1976 c 134 s 78 ]

**175.11 SEAL; CERTIFIED COPIES.** Subdivision 1. The worker's compensation division and the worker's compensation court of appeals shall each have a seal for the authentication of its orders and proceedings, upon which shall be inscribed the words, "Worker's Compensation Division of Minnesota" or "Worker's Compensation Court of Appeals of Minnesota" respectively, as the division or worker's compensation court of appeals may prescribe. The courts of this state shall take judicial notice of such seal and of the signatures of the judges of the worker's compensation court of appeals; and in all cases copies of orders, proceedings, or records of the division or worker's compensation court of appeals, certified by a judge of the worker's compensation court of appeals under his seal, shall be received in evidence, with the same

force and effect given to the originals.

Subd. 2. The department of labor and industry shall have a seal for the authentication of its orders and proceedings upon which shall be inscribed "Department of Labor and Industry of Minnesota" and any other design the department prescribes. The courts of this state shall take judicial notice of the seal and of the signature of the commissioner of labor and industry. In all cases, copies of orders, proceedings, or records of the department, certified by the commissioner under its seal shall be received in evidence with the same force and effect given to the originals.

[ 1921 c 81 s 9; 1969 c 9 s 39; 1973 c 388 s 8; 1975 c 271 s 6; 1975 c 359 s 23; 1976 c 134 s 78 ] (4040)

**175.12** [ Repealed, 1973 c 388 s 171 ]

**175.13** [ Repealed, 1973 c 388 s 171 ]

**175.14 TRAVELING EXPENSES.** The worker's compensation judges of the court of appeals and the commissioner of labor and industry and the officers, assistants, and employees of the worker's compensation court of appeals and department shall be paid out of the state treasury their actual and necessary expenses while traveling on the business of the worker's compensation court of appeals or department. Vouchers for such expenses shall be itemized and sworn to by the persons incurring the expense, and be subject to the approval of the worker's compensation court of appeals or the commissioner of labor and industry.

[ 1921 c 81 s 12; 1969 c 9 s 41; 1975 c 271 s 6; 1975 c 359 s 23; 1976 c 134 s 78 ] (4043)

**175.15** [ Repealed, 1969 c 9 s 51 ]

**175.16 DIVISIONS.** The department of labor and industry shall consist of the following divisions: division of worker's compensation, division of boiler inspection, division of occupational safety and health, division of statistics, division of steamfitting standards, division of voluntary apprenticeship, division of labor standards, and such other divisions as the commissioner of the department of labor and industry may deem necessary and establish. Each division of the department and persons in charge thereof shall be subject to the supervision of the commissioner of the department of labor and industry and, in addition to such duties as are or may be imposed on them by statute, shall perform such other duties as may be assigned to them by said commissioner.

[ 1921 c 81 s 14; 1969 c 9 s 42,52; 1973 c 388 s 9; 1973 c 732 s 26; 1975 c 348 s 2; 1975 c 359 s 23 ] (4045)

**175.17 POWERS AND DUTIES, WORKER'S COMPENSATION COURT OF APPEALS, AND COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY.** (1) The worker's compensation court of appeals shall principally exercise appellate jurisdiction under the laws relating to worker's compensation and the laws governing employees of the state, a county, or other governmental subdivision who contract tuberculosis;

(2) The commissioner of the department of labor and industry shall administer the laws relating to worker's compensation and the laws governing employees of the state, a county, or other governmental subdivisions who contract tuberculosis;

(3) The worker's compensation court of appeals and the commissioner of the department of labor and industry shall jointly prescribe reasonable and proper rules and regulations governing rules of practice before the worker's compensation division in nonappellate matters;

(4) The worker's compensation court of appeals shall prescribe rules of practice before it in appellate matters;

(5) The commissioner of the department of labor and industry shall collect, collate, and publish statistical and other information relating to work under its jurisdiction and make public reports in his judgment necessary, including such other reports as may be required by law;

(6) The commissioner of the department of labor and industry shall establish and maintain branch offices as needed for the conduct of the affairs of the worker's com-

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pensation division.

[ 1921 c 81 s 15; 1955 c 847 s 19; 1969 c 9 s 43; 1973 c 388 s 10; 1975 c 271 s 6; 1975 c 359 s 23; 1976 c 134 s 78 ] (4046)

**175.171 POWERS AND DUTIES, DEPARTMENT OF LABOR AND INDUSTRY.** The department of labor and industry shall have the following powers and duties:

(1) To exercise all powers and perform all duties of the department consistent with the provisions of this chapter;

(2) To adopt reasonable and proper rules and regulations relative to the exercise of its powers and duties, and proper rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings, which shall not be effective until ten days after their adoption, and a copy of these rules and regulations shall be delivered to every citizen making application therefor;

(3) To collect, collate, and publish statistical and other information relating to the work under its jurisdiction, to keep records and to make public reports in its judgment necessary; and on or before October 1 in each even numbered year the department shall report its doings, conclusions, and recommendations to the governor, which report shall be printed and distributed by November 15 of each even numbered year to the legislature pursuant to section 3.195, and otherwise as the department may direct;

(4) To establish and maintain branch offices as needed for the conduct of its affairs.

[ 1969 c 9 s 50; 1974 c 406 s 65; 1975 c 348 s 3 ]

**175.18** [ Repealed, 1975 c 348 s 6 ]

**175.19** [ Repealed, 1975 c 348 s 6 ]

**175.20 ENFORCEMENT.** The commissioner or his authorized representative may enter and inspect places of employment, during normal working hours, and investigate facts, conditions, practices or matters as he deems appropriate to enforce the laws within his jurisdiction. The commissioner or his authorized representative may issue subpoenas, take testimony, compel the attendance of witnesses, and shall have authority to administer oaths and take testimony under oath, but no person shall be compelled to attend as a witness unless he is paid the fees provided for witnesses in the district court.

[ 1913 c 518 s 8; 1919 c 110 s 1; 1961 c 560 s 16; 1975 c 348 s 4 ] (4050)

**175.21** [ Repealed, 1975 c 348 s 6 ]

**175.22** [ Repealed, 1975 c 348 s 6 ]

**175.23** [ Repealed, 1975 c 348 s 6 ]

**175.24 DUTIES OF EMPLOYERS AND OTHERS TO MAKE REPORTS; PRESERVATION OF RECORDS.** On request of the department of labor and industry, and within the time limited therein, every employer of labor, any officer of a labor organization, or any person from whom the department of labor and industry shall find it necessary to gather information, shall make a certified report to the department, upon blanks furnished by it, of all matters covered by the request. The names of persons or concerns supplying such information shall not be disclosed. Every notice, order, or direction given by such department shall be in writing, signed by an officer or inspector of such department, or a person specially designated for the purpose, and be served by him. Papers so served and all records and documents of the department are hereby declared public documents and shall not be destroyed within two years after their return or receipt by such department.

[ 1913 c 518 s 10 ] (4250)

**175.25 PERSONS AGGRIEVED; POWERS OF DISTRICT COURT.** Within ten days after the service of any order or direction of the department of labor and industry, any person aggrieved may apply to a judge of the district court for an order restraining its enforcement, and upon not more than 30 days' notice a hearing may be had before such court, or before three impartial expert referees appointed by the court, who shall file their report within ten days after the hearing. The court may alter, annul, or affirm the order or direction complained of; the decision to be based

upon the hearing by the court, or upon the report of the referees. Such decision shall take the place of the original order. In cases of affirmation, the losing parties shall pay a reasonable compensation to the referees, to be fixed by the court. In case of decisions rendered adverse to the order of the department of labor and industry, such compensation shall be paid out of the appropriation for the support of the department.

[ 1913 c 518 s 11 ] (4251)

**175.26 VIOLATION OF LOCAL ORDINANCES.** When the department of labor and industry learns of a violation of a local ordinance for the protection of employees it shall give written notice thereof to the proper municipal authorities and take any steps permissible under the ordinances for its enforcement.

[ 1913 c 518 s 12 ] (4252)

**175.27 DISCLOSURE OF NAMES OF PERSONS GIVING INFORMATION; REFUSAL TO TESTIFY; DENYING ADMISSION; PENALTY.** Any employee of the department of labor and industry who shall disclose the names of any persons supplying information at the request of such department shall be guilty of a misdemeanor. Any person who, having been duly subpoenaed, shall refuse to attend or testify in any hearing under the direction of the department of labor and industry shall be guilty of a misdemeanor. Any owner or occupant of any place of employment who shall refuse to admit thereto any employee of the department seeking entrance in the discharge of his duties, shall be guilty of a misdemeanor. Any person, firm, or corporation, or any of its officers or agents, who or which shall refuse to file with the department such reports as are required by it under the provisions of sections 175.24 to 175.27 shall be guilty of a misdemeanor.

[ 1913 c 518 s 14; 1917 c 14 s 1; Ex1967 c 1 s 6; 1975 c 348 s 5 ] (4253)

**175.28** [ Repealed, 1975 c 348 s 6 ]

**175.29** [ Repealed, 1975 c 348 s 6 ]

**175.30** [ Repealed, 1975 c 348 s 6 ]

**175.31** [ Repealed, 1975 c 348 s 6 ]

**175.32** [ Repealed, 1975 c 348 s 6 ]

**175.33 PHYSICIANS TO REPORT CERTAIN CASES OF POISON TO THE DEPARTMENT.** Every physician attending on or called in to visit a patient whom he believes to be suffering from poisoning from lead, phosphorus, arsenic, or mercury or their compounds, or from anthrax, or from compressed air illness, contracted as a result of the nature of the patient's employment, shall send to the department of labor and industry a notice stating the name and full postal address and place of employment of the patient and the disease from which, in the opinion of the physician, the patient is suffering, with such other specific information as may be required by the department of labor and industry and which may be ascertained by the physician in the course of his duties.

[ 1913 c 21 s 1; Ex1967 c 1 s 6 ] (4198)

**175.34 FAILURE TO REPORT.** If any physician, when required by section 175.33 to send a notice, fails forthwith to send the same, he shall be guilty of a misdemeanor; and, upon conviction, punished by a fine not exceeding \$10 or by imprisonment in the county jail for not exceeding ten days.

[ 1913 c 21 s 2 ] (4199)

**175.35 ENFORCEMENT.** It shall be the duty of the department of labor and industry to enforce the provisions of sections 175.33 and 175.34 and it may call upon the state and local boards of health for assistance.

[ 1913 c 21 s 3; Ex1967 c 1 s 6 ] (4200)

**175.36 DESTRUCTION OF FILES AND RECORDS.** The department of labor and industry is authorized to destroy the following files and records at the times and under the conditions herein specified:

(1) All files, records and correspondence in the department, covering the period prior to June 1, 1921;

(2) All files and records subsequent thereto, covering the period of one year, on June first of each succeeding year;

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(3) Interim receipts filed as the same are audited and have served the purpose of the commission.

[ 1939 c 149 s 1; 1953 c 609 s 1; 1969 c 9 s 44; 1973 c 388 s 11 ] (4041-1)

**175.37 COOPERATION WITH U.S.** The department of labor and industry so far as is not inconsistent with its duties under the laws of this state, may assist and cooperate with the wage and hour division, the children's bureau, and any other authorized agency of the United States department of labor in the administration within this state of the act of congress known as the fair labor standards act of 1938, approved June 25, 1938, and amendments thereof. No additional expense shall be incurred by the department in rendering such assistance and cooperation except upon condition that the state be reimbursed therefor in accordance with federal laws and regulations and subject to the applicable laws of this state.

All moneys heretofore or hereafter received from the federal government for such reimbursement are hereby appropriated to the department of labor and industry to pay the cost of such assistance and cooperation.

[ 1941 c 68 s 1; Ex1967 c 1 s 6 ]

**175.38** [ Repealed, 1973 c 721 s 16 ]

**175.39** [ Repealed, 1973 c 721 s 16 ]