

## Labor, Industry

## CHAPTER 175

## DEPARTMENT OF LABOR AND INDUSTRY

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## 175.001 DEPARTMENT OF LABOR AND INDUSTRY.

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 shall be appointed by the governor under the provisions of section 15.06. There shall be one deputy commissioner in the department.

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 [Repealed, 1969 c 1129 art 8 s 17]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. [Repealed, 1977 c 305 s 46]

Subd. 5. **Powers and duties.** Subject to the provisions of sections 175.001 to 175.006, relating to workers' 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.

**History:** Ex1967 c 1 s 1; 1969 c 1129 art 8 s 15; 1975 c 359 s 23; 1977 c 305 s 24

## 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.

**History:** Ex1967 c 1 s 2

**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.

**History:** *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 workers' 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.

**History:** *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.

**History:** *Ex1967 c 1 s 5*

**175.006 DIVISION OF WORKERS' COMPENSATION.**

Subdivision 1. **Creation and organization.** The division of workers' compensation, generally administering the workers' compensation law, is created within the department of labor and industry. There is created as a separate appellate tribunal for workers' compensation, the workers' compensation court of appeals.

The workers' compensation court of appeals shall be composed of five judges each serving in the unclassified service of the state civil service. Of the five judges, at least three shall be learned in the law. Each judge of the workers' 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 workers' compensation court of appeals as now created shall be the judges of the workers' compensation court of appeals until the expiration of the terms for which they have been appointed and qualified.

Subd. 1a. [Repealed, 1981 c 346 s 145]

Subd. 2. [Repealed, 1981 c 346 s 145]

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 workers' 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 workers' compensation division.

**History:** *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; Ex1979 c 3 s 26*

**175.0061** [Repealed, 1981 c 346 s 145]

**175.007 ADVISORY COUNCIL ON WORKERS' COMPENSATION; CREATION.**

Subdivision 1. The commissioner shall appoint an advisory council on workers' compensation, which shall consist of five representatives of employers and five representatives of employees and three members representing the general public. The council may consult with the judges of the workers' compensation court of appeals. 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 workers 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 workers' compensation act. The council shall also study and present to the legislature and the governor on or before November 15 of 1981 and by November 15 of each even numbered year thereafter a report on the financial, administrative and personnel needs of the workers' compensation division.

Subd. 3. [Repealed, 1975 c 315 s 26]

**History:** 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; 1981 c 346 s 38

**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 WORKERS' COMPENSATION COURT OF APPEALS OR EMPLOYEES NOT TO TAKE PART IN POLITICAL CAMPAIGNS.**

Every judge of the workers' compensation court of appeals and every officer or employee of the workers' 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.

**History:** 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 workers' 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. The offices of the workers' compensation court of appeals and the department of labor and industry shall be in separate buildings. They may hold sessions at any other place in the state when their convenience and that of the parties interested so requires.

**History:** 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; Ex1979 c 3 s 27 (4037)

**175.09** [Repealed, 1981 c 346 s 145]

**175.092** [Repealed, Ex1979 c 3 s 70]

**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 workers' compensation court of appeals and the workers' compensation division shall be open to the public and may be adjourned from time to time. All the proceedings of the workers' compensation court of appeals and the division shall be shown on their records, which shall be public records.

**History:** 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 WORKERS' COMPENSATION DIVISION.**

Subdivision 1. It is the legislative purpose in creating a division of workers' 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 workers' 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 workers' compensation division is the administrator of the workers' 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 workers' compensation division and the workers' compensation court of appeals, issue all necessary processes, writs, warrants, and notices which the division or workers' compensation court of appeals are required or authorized to issue and generally act as the administrator of the division of workers' compensation in the department of labor and industry. Notices and other documents required to be served or filed on the division of workers' compensation or the workers' 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 workers' compensation court of appeals except that each workers' 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 workers' 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.

**History:** 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 workers' compensation division shall have a seal for the authentication of its orders and proceedings, upon which shall be inscribed the words, "Workers' Compensation Division of Minnesota", as the division may prescribe. The courts of this state shall take judicial notice of such seal; and in all cases copies of orders, proceedings, or records of the division, certified by the commissioner, 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.

**History:** 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; 1981 c 346 s 39 (4040)

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

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

**175.14 TRAVELING EXPENSES.**

The commissioner and the officers, assistants, and employees of the department shall be paid out of the state treasury their actual and necessary expenses while traveling on the business of the 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 commissioner of labor and industry.

**History:** 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; 1981 c 346 s 40 (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 workers' 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.

**History:** 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, COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY.**

(1) The commissioner shall administer the laws relating to workers' compensation and the laws governing employees of the state, a county, or other governmental subdivisions who contract tuberculosis;

(2) The commissioner shall adopt reasonable and proper rules governing rules of practice before the workers' compensation division in matters which are not before a compensation judge;

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

(4) The commissioner shall establish and maintain branch offices as needed for the conduct of the affairs of the workers' compensation division.

**History:** 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; 1981 c 346 s 41 (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.

**History:** 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.

**History:** 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.

*History: 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.

*History: 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.

*History: 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.

*History: 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.

**History:** 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.

**History:** 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 commissioner of health and local boards of health for assistance.

**History:** 1913 c 21 s 3; Ex1967 c 1 s 6; 1982 c 424 s 44 (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;
- (3) Interim receipts filed as the same are audited and have served the purpose of the commission.

**History:** 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

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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.

**History:** *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]