

## CHAPTER 175A

### WORKERS' COMPENSATION COURT OF APPEALS

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#### 175A.01 CREATION.

Subdivision 1. **Establishment; membership.** The Workers' Compensation Court of Appeals as previously constituted is reconstituted as an independent agency in the executive branch.

The court shall consist of five judges, each serving in the unclassified service.

Subd. 2. **Appointment; terms; limitation.** 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 commencing at the expiration of the preceding term. Any vacancy shall be filled by the governor for the unexpired term, subject to confirmation by the senate. The terms of the judges shall expire on the first Monday in January of the year in which they expire. The terms of the judges shall be staggered.

Subd. 3. **Qualifications.** To qualify for appointment to the court, a candidate shall be learned in the law, have been licensed to practice law for at least five years, and have experience with and knowledge of workers' compensation and the workers' compensation laws of Minnesota.

Subd. 4. **Standards of conduct.** The judges of the Workers' Compensation Court of Appeals shall be subject to the provisions of the Minnesota Constitution, article VI, section 6, the jurisdiction of the Commission on Judicial Standards, as provided in sections 490A.01 and 490A.02, and the provisions of the Code of Judicial Conduct.

Subd. 5. **Jurisdiction.** The Workers' Compensation Court of Appeals shall have statewide jurisdiction. Except for an appeal to the supreme court or any other appeal allowed under this subdivision, the Workers' Compensation Court of Appeals shall be the sole, exclusive, and final authority for the hearing and determination of all questions of law and fact arising under the workers' compensation laws of the state in those cases that have been appealed to the Workers' Compensation Court of Appeals and in any case that has been transferred by the district court to the Workers' Compensation Court of Appeals. The Workers' Compensation Court of Appeals shall have no jurisdiction in any case that does not arise under the workers' compensation laws of the state or in any criminal case, provided that the Workers' Compensation Court of Appeals shall exercise appellate jurisdiction under the laws governing employees of the state, a county, or other governmental subdivision who contract tuberculosis and under chapter 352E.

Subd. 6. **Oath.** Each judge of the Workers' Compensation Court of Appeals before entering upon the duties of office, shall take the oath prescribed by law.

**History:** 1981 c 346 s 42; 1986 c 444; 1990 c 506 art 1 s 1; 2006 c 271 art 11 s 48

#### 175A.02 ADMINISTRATIVE OFFICERS.

Subdivision 1. **WCCA; chief judge.** The governor shall designate a chief judge from among the judges. The chief judge shall have overall responsibility for administration of the court, including acting as custodian

of the court's files and records and coordinator of hearing assignments. The chief judge may appoint an assistant administrator to assist the judge in the performance of administrative duties. The chief judge shall also have responsibility for oversight of other judges and court personnel with respect to timely performance of duties in a professional manner.

Subd. 2. **District courts.** The court administrator of district court in each county shall be the court administrator of the Workers' Compensation Court of Appeals in that county. Filing fees and library fees deposited with the court administrator of district court in the capacity as clerk of the Workers' Compensation Court of Appeals and in cases originally commenced in district court and transferred to the Workers' Compensation Court of Appeals shall be retained by the court administrator of district court. The Workers' Compensation Court of Appeals court administrator in each county shall be subject to the supervision of the chief judge appointed under subdivision 1 in Workers' Compensation Court of Appeals matters.

**History:** 1981 c 346 s 43; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1990 c 506 art 1 s 2

### 175A.03 POLITICAL NONPARTICIPATION.

Every judge of the Workers' Compensation Court of Appeals and every officer or employee of the Workers' Compensation Court of Appeals who by solicitation or otherwise exerts influence, directly or indirectly, to induce other officers or employees of the state to adopt the inducer's 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 office or position by the appointing authority.

**History:** 1981 c 346 s 44; 1986 c 444

### 175A.04 OFFICE.

The Workers' Compensation Court of Appeals shall maintain its main office within the Minneapolis-St. 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. The court may hold sessions at any other place in the state when their convenience and that of the parties interested so requires.

**History:** 1981 c 346 s 45

### 175A.05 QUORUM.

Subdivision 1. **Judges' quorum.** A majority of the judges of the Workers' Compensation Court of Appeals shall constitute a quorum for the exercise of the powers conferred and the duties imposed on the Workers' Compensation Court of Appeals except that all appeals shall be heard by no more than a panel of three of the five judges unless the case appealed is determined to be of exceptional importance by the chief judge prior to assignment of the case to a panel, or by a three-fifths vote of the judges prior to assignment of the case to a panel or after the case has been considered by the panel but prior to the service and filing of the decision.

Subd. 2. **Vacancy.** A vacancy shall not impair the ability of the remaining judges of the Workers' Compensation Court of Appeals to exercise all the powers and perform all of the duties of the Workers' Compensation Court of Appeals.

Subd. 3. **Retired judges.** Where the number of Workers' Compensation Court of Appeals judges available to hear a case is insufficient to constitute a quorum, the chief judge of the Workers' Compensation Court of Appeals may, with the retired judge's consent, assign a judge who is retired from the Workers' Compensation

Court of Appeals or the Office of Administrative Hearings to hear any case properly assigned to a judge of the Workers' Compensation Court of Appeals. The retired judge assigned to the case may act on it with the full powers of the judge of the Workers' Compensation Court of Appeals. A retired judge performing this service shall receive pay and expenses in the amount and manner provided by law for judges serving on the court, less the amount of retirement pay the judge is receiving under chapter 352 or 490.

**History:** 1981 c 346 s 46; 1983 c 301 s 145; 1990 c 506 art 1 s 3; 2018 c 185 art 1 s 2

#### **175A.06 SESSIONS TO BE PUBLIC.**

The hearings of the Workers' Compensation Court of Appeals shall be open to the public and may be adjourned from time to time. All the proceedings of the court shall be shown on its records, which shall be public records.

**History:** 1981 c 346 s 47

#### **175A.07 POWERS.**

Subdivision 1. **Process; procedures.** The Workers' Compensation Court of Appeals shall keep such record of all its proceedings as it deems appropriate and shall issue necessary processes, writs, warrants, and notices which the Workers' Compensation Court of Appeals is required or authorized to issue. Notices and other documents required to be served or filed on the Workers' Compensation Court of Appeals shall be served on the administrator of the court or the administrator's delegate.

Subd. 2. **Personnel.** The chief judge of the Workers' Compensation Court of Appeals shall appoint in the manner provided by law all personnel required by the Workers' Compensation Court of Appeals. The law clerks are in the unclassified service. The commissioner of administration shall provide the court with necessary additional staff and administrative services, and the court shall reimburse the commissioner for the cost of these services. The chief judge may appoint an incumbent law clerk to a compensation attorney position. The chief judge may appoint a new compensation attorney when an incumbent law clerk, or the judge who appointed the law clerk, is no longer employed by the court. The total number of law clerks and compensation attorneys employed by the court at any time shall not exceed five. At least two other judges must approve the chief judge's selection of a compensation attorney. Compensation attorneys employed by the court shall be in the classified service.

Subd. 3. **Power to review.** The Workers' Compensation Court of Appeals shall have the powers of review provided in chapter 176.

Subd. 4. **Rules.** The Workers' Compensation Court of Appeals shall prescribe rules of practice before it in appellate matters.

**History:** 1981 c 346 s 48; 1986 c 444; 1987 c 404 s 150; 1990 c 506 art 1 s 4; 2013 c 33 s 1

#### **175A.08 SEAL.**

The Workers' Compensation Court of Appeals shall have a seal for the authentication of its orders and proceedings, upon which shall be inscribed the words, "Workers' Compensation Court of Appeals of Minnesota" as the 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 Workers' Compensation Court of Appeals; and in all cases copies of orders, proceedings, or records of the Workers' Compensation Court of Appeals, certified by a

judge of the Workers' Compensation Court of Appeals under its seal, shall be received in evidence, with the same force and effect given to the originals.

**History:** *1981 c 346 s 49*

#### **175A.09 TRAVEL EXPENSES.**

The workers' compensation judges of the court of appeals and the officers, assistants, and employees of the Workers' Compensation Court of Appeals shall be paid out of the state treasury their actual and necessary expenses while traveling on the business of the Workers' Compensation Court of Appeals. Vouchers for such expenses shall be itemized and sworn to by the persons incurring the expense, and be subject to the approval of the Workers' Compensation Court of Appeals.

**History:** *1981 c 346 s 50*

#### **175A.10 APPEALS AND REVIEWS.**

Unless an appeal is taken to the district court, the right of appeal provided in chapter 176 shall be the exclusive remedy for reviewing the actions of the commissioner, the Workers' Compensation Division or a compensation judge in a matter arising under chapter 176. On any appeal taken by an employee or an employer or insurer to the Workers' Compensation Court of Appeals, or the supreme court, the decision of the Workers' Compensation Court of Appeals, or the decision of the supreme court on its review, as the case may be, shall be final and conclusive as to all parties to the proceedings as to all matters at issue determined by a decision. In all cases the decision of the Workers' Compensation Court of Appeals on appeal, or of the supreme court on review, as the case may be, shall stand in lieu of the order of the commissioner or the division or the compensation judge from whom the appeal was taken.

**History:** *1981 c 346 s 51*