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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2311

03/11/2019 Authored by Sundin and Albright
The bill was read for the first time and referred to the Committee on Labor
03/21/2019 Adoption of Report: Re-referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to workers' compensation; adopting recommendations from the Workers'
1.3 Compensation Advisory Council; amending Minnesota Statutes 2018, sections
1.4 176.1812, subdivision 2; 176.231, subdivision 1.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2018, section 176.1812, subdivision 2, is amended to read:

1.7 Subd. 2. Filing and review. (a) A copy of the agreement and the approximate number
1.8 of employees who will be covered under it must be filed with the commissioner. Within 21
1.9 days of receipt of an agreement, the commissioner shall review the agreement for compliance
1.10 with this section and the benefit provisions of this chapter and notify the parties of any
1.11 additional information required or any recommended modification that would bring the
1.12 agreement into compliance. Upon receipt of any requested information or modification, the
1.13 commissioner must notify the parties within 21 days whether the agreement is in compliance
1.14 with this section and the benefit provisions of this chapter.

1.15 (b) After an agreement is approved by the commissioner under paragraph (a), a qualified
1.16 employer may join or withdraw from a qualified group of employers without commissioner
1.17 review or approval. The commissioner must be notified within 30 days when a qualified
1.18 employer joins or withdraws from a qualified group of employers.

1.19 (c) In order for any agreement to remain in effect, it must provide for a timely and
1.20 accurate method of reporting to the commissioner necessary information regarding service
1.21 cost and utilization the individual claims covered by the agreement and claim-specific
1.22 dispute resolution data, in the form and manner prescribed by the commissioner. Dispute
1.23 resolution data includes information about facilitation, mediation, and arbitration and shall

2.1 be provided annually to the commissioner to enable the commissioner to ~~annually~~ report
 2.2 aggregate dispute data to the legislature. ~~The information provided to the commissioner~~
 2.3 ~~must include aggregate data on the:~~

2.4 ~~(i) person hours and payroll covered by agreements filed;~~

2.5 ~~(ii) number of claims filed;~~

2.6 ~~(iii) average cost per claim;~~

2.7 ~~(iv) number of litigated claims, including the number of claims submitted to arbitration,~~
 2.8 ~~the Workers' Compensation Court of Appeals, the Office of Administrative Hearings, the~~
 2.9 ~~district court, the Minnesota Court of Appeals or the supreme court;~~

2.10 ~~(v) number of contested claims resolved prior to arbitration;~~

2.11 ~~(vi) projected incurred costs and actual costs of claims;~~

2.12 ~~(vii) employer's safety history;~~

2.13 ~~(viii) number of workers participating in vocational rehabilitation; and~~

2.14 ~~(ix) number of workers participating in light-duty programs.~~

2.15 **EFFECTIVE DATE.** Paragraphs (a) and (b) are effective June 1, 2019. Paragraph (c)
 2.16 is effective August 1, 2020.

2.17 Sec. 2. Minnesota Statutes 2018, section 176.231, subdivision 1, is amended to read:

2.18 Subdivision 1. **Time limitation.** (a) Where death or serious injury occurs to an employee
 2.19 during the course of employment, the employer shall report the injury or death to the
 2.20 commissioner and insurer within 48 hours after its occurrence. Where any other injury
 2.21 occurs which wholly or partly incapacitates the employee from performing labor or service
 2.22 for more than three calendar days, the employer shall report the injury to the insurer on a
 2.23 form prescribed by the commissioner within ten days from its occurrence. An insurer and
 2.24 self-insured employer shall report the injury to the commissioner no later than 14 days from
 2.25 its occurrence. Where an injury has once been reported but subsequently death ensues, the
 2.26 employer shall report the death to the commissioner and insurer within 48 hours after the
 2.27 employer receives notice of this fact. An employer who provides notice to the Occupational
 2.28 Safety and Health Division of the Department of Labor and Industry of a fatality within the
 2.29 eight-hour time frame required by law, or of an inpatient hospitalization within the 24-hour
 2.30 time frame required by law, has satisfied the employer's obligation under this section.

3.1 (b) At the time an injury is required to be reported to the commissioner, the insurer or
3.2 self-insured employer must also specify whether the injury is covered by a collective
3.3 bargaining agreement approved by the commissioner under section 176.1812. Notice must
3.4 be provided in the format and manner prescribed by the commissioner.

3.5 **EFFECTIVE DATE.** This section is effective August 1, 2020.