

EMPLOYMENT LAW SUMMARY

Minnesota: Workers' Compensation – Employee Eligibility



Because You're Different

Workers' compensation is a system of no-fault insurance that provides monetary and medical benefits to employees, or their survivors, for work-related injuries and illnesses. Workers' compensation is governed by state law.

Minnesota's workers' compensation laws prescribe eligibility requirements for injured employees. The [Division of Workers' Compensation](#) (DWC), part of the Minnesota Department of Labor and Industry, enforces compliance with these requirements throughout the state. To qualify for workers' compensation benefits, an employee must be covered by Minnesota's workers' compensation laws and have a compensable condition.

COVERED EMPLOYEES

Most employees are covered under Minnesota's workers' compensation laws. The term "employee" is defined as "any person who performs services for another for hire." The laws specifically include the following as covered employees:

- Aliens and minors;
- Law enforcement and firefighting personnel;
- Elected or appointed public officials;
- Members of the military forces;
- Medical students who regularly attend the Medical School of the University of Minnesota; and
- Most faculty members of the University of Minnesota.

COVERAGE EXCLUSIONS

Certain individuals, including those listed below, are **not** considered employees and, under most circumstances, are therefore not eligible for workers' compensation benefits:

- Farmers and their family members who exchange services with other farmers in the same community;
- Inmates;
- Certain operators in the trucking, messenger and courier industries;
- Common carrier railroad employees who are covered under the Federal Employers' Liability Act or other comparable federal law;
- Household workers who work in or about a private home or household and earn less than \$1,000 in a three-month period from a single private home; and
- Casual workers.

Other individuals are excluded from coverage under Minnesota's workers' compensation laws but may become eligible for workers' compensation benefits if their employer voluntarily elects in writing to include them, by name, under its workers' compensation insurance policy. These include:

- Independent contractors;

- Partners in a farm or business operation and their spouses, parents and children;
- Sole proprietors and their spouses, parents and children;
- Executive officers of closely held corporations and their spouses, parents, children, if:
 - The closely held corporation has fewer than 22,800 hours of payroll in the preceding calendar year; and
 - The executive officer owns at least 25 percent of the stock of the corporation; and
- Managers of a limited liability company (LLC) and their spouses, parents, children if:
 - The LLC has 10 or fewer employees and fewer than 22,800 hours of payroll in the preceding calendar year; and
 - The manager owns at least a 25 percent membership interest in the LLC.

COMPENSABLE CONDITIONS

An injury is compensable if it is a result of an accident arising out of and in the course and scope of employment. An accident takes place in the course and scope of employment when it occurs in, on or about an employer's premises during an employee's regular work hours. If an employer regularly furnishes transportation to employees to and from work, the time employees spend in the employer-provided transport is included in the employees' regular work hours.

An occupational disease is compensable if a causal connection can be established between the disease and the employee's working conditions. This does not include ordinary diseases, which are illnesses to which employees and the general public are equally exposed outside of work. However, an ordinary illness may be considered a compensable condition if it results from an exposure that is peculiar to an employee's occupation.

Employers are not required to provide workers' compensation benefits if an employees' injuries are self-inflicted or the result of intoxication.

EMPLOYEE RESPONSIBILITIES

Minnesota law includes expectations and responsibilities for employees who seek workers' compensation benefits. Among others, these include:

- Informing a supervisor or manager of any work-related condition **within 14 days**;
- Submitting to medical examinations upon the employer or DWC's request;
- Following any employer instructions on how and when to contact the employer's insurance carrier; and
- Following all instructions received by a qualified and authorized health care provider.

MORE INFORMATION

Contact Heffernan Insurance Brokers or visit the DWC [website](#) for more information on workers' compensation laws in Minnesota.

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