

1 Hazardous Substance Injury Compensation Board

2

3 Adopted Permanent Rules Relating to Compensation for the Value
4 of Household Labor Lost Due to Injury

5

6 Rules as Adopted

7 7190.0100 DEFINITIONS.

8 Subpart 1. Scope. The terms used in parts 7190.0100 to
9 7190.0108 have the meanings given them in this part.

10 Subp. 2. Board. "Board" means the Hazardous Substance
11 Injury Compensation Board created by Minnesota Statutes, section
12 115B.27, subdivision 1.

13 Subp. 3. Children. "Children" means household members
14 under the age of 18.

15 Subp. 4. Claimant. "Claimant" means a person whom the
16 board determines has an eligible claim for personal injury.

17 Subp. 5. Disability. "Disability" means an impairment in
18 the ability to produce goods and services necessary for the
19 household to function.

20 Subp. 6. Household. "Household" means a single
21 housekeeping unit. A household may consist of a single person
22 or several persons, usually but not necessarily, related by
23 blood or marriage.

24 Subp. 7. Household labor. "Household labor" means the
25 production of goods and services necessary for the household to
26 function, including marketing, recordkeeping, food preparation,
27 house cleaning, house maintenance, yard care, clothing care, and
28 physical and other care of household members.

29 Subp. 8. Houseworker. "Houseworker" means a person who
30 performs household labor in a household.

31 Subp. 9. Minimum wage. "Minimum wage" means the amount
32 set in United States Code, title 29, section 206.

33 Subp. 10. Primary houseworker. "Primary houseworker"
34 means the person who contributes the majority of time spent in a
35 household on household labor.

1 Subp. 11. Secondary houseworker. "Secondary houseworker"
2 means a person who contributes a significant amount of time but
3 less than the majority of time spent in a household on household
4 labor.

5 Subp. 12. Teenage houseworker. "Teenage houseworker"
6 means a person from the ages of 12 to 17 who produces goods or
7 services necessary for the household but is not primarily
8 responsible for the household labor, and is a financially
9 dependent household member.

10 7190.0101 HOUSEHOLD LABOR LOSSES ELIGIBLE FOR COMPENSATION.

11 Subpart 1. Scope. The board shall compensate a claimant
12 for the value of past, current, and future household labor lost
13 due to the claimant's injury or disease.

14 Subp. 2. Past years. The board shall calculate the number
15 of eligible years of losses in the past beginning with the date
16 on which the claimant's injury was diagnosed by a physician.

17 Subp. 3. Future years. The board shall calculate the
18 number of eligible years of losses in the future using the
19 claimant's average remaining lifetime as determined by United
20 States Life Tables, Volume 43A Minnesota Statutes Annotated,
21 which is incorporated by reference. This publication is
22 available for loan or inspection through the Minitex
23 interlibrary loan system.

24 7190.0102 FACTORS AFFECTING THE AMOUNT OF HOURS SPENT ON
25 HOUSEHOLD LABOR.

26 In calculating the hours spent on household labor, the
27 board shall consider whether the claimant:

- 28 A. is in a living arrangement with other persons;
29 B. is a primary, secondary, or teenage houseworker;
30 C. resides in a household where the primary
31 houseworker is employed outside the household 15 or more hours
32 per week; or
33 D. provides services and care for children, and, if
34 so, the number and ages of the children.

1 7190.0103 CALCULATION OF THE AMOUNT OF HOURS SPENT ON HOUSEHOLD
2 LABOR.

3 Subpart 1. Base hours. The board shall determine the
4 number of household labor hours contributed by the claimant by
5 using part 7190.0108, schedule A or B.

6 Subp. 2. Schedule A. Schedule A applies to a claimant who
7 lives in a household where the primary houseworker is not
8 employed outside the household or employed less than 15 hours
9 per week outside the household.

10 Subp. 3. Schedule B. Schedule B applies to a claimant who
11 lives in a household where the primary houseworker is employed
12 15 or more hours per week outside the household.

13 Subp. 4. Applicable living arrangement. The board shall
14 determine the hours eligible for compensation from the
15 appropriate schedule as follows:

16 A. if the claimant is part of a married couple, or
17 demonstrates the claimant is part of a married couple
18 equivalent, the number of hours in the schedule for the
19 claimant's houseworker role (primary or secondary houseworker,
20 with or without children) is the number of hours eligible for
21 compensation;

22 B. if the claimant is a single parent, the only adult
23 in a household with children, the total of the hours for a
24 primary and secondary houseworker is the number of hours
25 eligible for compensation;

26 C. if the claimant lives alone, the number of hours
27 for a primary houseworker is the number of hours eligible for
28 compensation;

29 D. if the claimant lives with one or more other
30 adults, the number of hours for a secondary houseworker in part
31 7190.0108, subpart 2, is the number of hours eligible for
32 compensation; and

33 E. if the claimant is a teenage houseworker, the
34 number of hours for a teenage houseworker is the number of hours
35 eligible for compensation. When a teenage houseworker becomes
36 18 years old, the number of hours for a secondary houseworker is

1 the number of hours eligible for compensation.

2 The board shall consider that children under the age of 12
3 produce no hours eligible for compensation.

4 Subp. 5. Exception to schedule. The board may determine
5 the number of hours eligible for compensation without using a
6 schedule when:

7 A. the claimant's living arrangement is not covered
8 by the schedule;

9 B. the claimant provides evidence that the division
10 of household labor in the claimant's household significantly
11 deviates from the schedule's division; or

12 C. the claimant demonstrates that special
13 circumstances in the claimant's household such as a disabled
14 spouse, child, or parent significantly increase the total amount
15 of hours spent on household labor.

16 Subp. 6. Determination of yearly hours spent. The board
17 shall calculate the number of hours spent on household labor in
18 any year by multiplying the schedule base value by 12. For
19 partial years, the board shall calculate the actual number of
20 months where household labor was lost and multiply the schedule
21 base value by that number.

22 7190.0104 CALCULATION OF HOURLY WAGE FOR HOUSEHOLD LABOR.

23 Subpart 1. Salary determination. For each year in which
24 the board calculates an adult claimant has hours eligible for
25 compensation, the board shall determine the hourly wage for
26 household labor using the state median monthly salary for
27 janitors as determined in the annual salary survey conducted by
28 the Department of Jobs and Training. For each future year, the
29 board shall calculate the hourly wage using the current year's
30 salary survey data.

31 Subp. 2. Formula. For each year in which a claimant has
32 hours eligible for compensation, the board shall calculate the
33 hourly wage using the following formula:

$$34 \quad W = \frac{S}{173.33}$$

35
36
37 Where W = hourly wage for that year

1 S = state median monthly salary for janitors
 2 for that year
 3 - 173.33 = the number of hours in a work month
 4

5 Subp. 3. Teenage houseworker. For each past year in which
 6 a teenage houseworker has eligible hours, the board shall use
 7 the minimum wage in that year as the hourly wage for household
 8 labor; for the current year and future years until the year the
 9 teenage houseworker becomes 18 years old the board shall use the
 10 current minimum wage.

11 7190.0105 DISABILITY.

12 For each past year in which the board calculates a claimant
 13 has hours eligible for compensation, the board shall determine
 14 to what extent the claimant's injury or disease impaired the
 15 claimant's ability to perform household labor. For the current
 16 year and future years in which a claimant has hours eligible for
 17 compensation, the board shall determine to what extent the
 18 claimant's injury or disease presently impairs the claimant's
 19 ability to perform household labor.

20 In making the determination of disability, the board shall
 21 consider the quality and quantity of household labor services
 22 the claimant:

- 23 A. can or could no longer perform;
- 24 B. performs or performed with assistance;
- 25 C. continues or continued to perform.

26 The board shall set a claimant's disability for any year at
 27 100 percent, 75 percent, 50 percent, 25 percent, or zero.

28 7190.0106 CALCULATION OF LOSS IN HOUSEHOLD LABOR.

29 For each year in which the claimant has a loss in household
 30 labor, the board shall determine the claimant's loss using the
 31 following formula:

32 $V = H \times W \times D$
 33 Where V = value of the household labor
 34 lost in that year
 35 H = number of hours eligible for
 36 compensation in that year
 37 W = hourly wage for household
 38 labor for that year
 39 D = percent disabled in that year

40 7190.0107 PAYMENT OF COMPENSATION.

1 Subpart 1. **Payment limit.** The total compensation the
2 board shall pay to a claimant for household labor lost shall not
3 exceed the limits in Minnesota Statutes, sections 115B.34,
4 subdivision 1, and 115B.36.

5 Subp. 2. **Payment in lump sum.** The board will calculate
6 the total lump sum amount of compensation to be paid to a
7 claimant using the following formula:

8 $A = P + C + F$
9 Where A = award amount in current dollars
10 P = the sum of all past years' losses
11 C = the loss for the current year
12 F = the sum of all future years' losses,
13 with each year discounted to current
14 value according to Minnesota Statutes,
15 section 604.07, subdivision 4, clauses
16 (1) and (2)
17

18 Subp. 3. **Payment in installments.** When the board chooses
19 to pay the award in installments, it shall adjust future
20 payments by the cost of living rate for the current year as
21 described in Minnesota Statutes, section 604.07, subdivision 4,
22 clause (2).

1 7190.0108 PRIMARY EMPLOYMENT SCHEDULES.

2 Subpart 1. Schedule A: Primary Houseworker Not Employed
3 Outside Household or Employed Less Than 15 Hours Per Week.

4
5 Base Hours Spent in Household Labor Per Month

		15	30	45	60	90	120	150	180	210	240	270	300	330	360
# Children in Family	Age in Years														
0	<u>Primary Houseworker</u>														
	under 25		S					P							
	25-39		S						P						
	40-54			S					P						
	55 & over				S			P							
1	<u>Youngest Child</u>														
	12-17		T		S					P					
	6-11			S						P					
	2-5				S					P					
	1					S					P				
	under 1					S					P				
2	12-17		T	S						P					
	6-11		T	S						P					
	2-5		T		S						P				
	1					S						P			
	under 1					S							P		
3	12-17		ST							P					
	6-11		T	S						P					
	2-5		T		S						P				
	1					S						P			
	under 1					S							P		
4	12-17		ST						P						
	6-11		T	S							P				
	2-5		T		S							P			
	1		T			S							P		
	under 1					ST								P	
5-6	6-11			T	S								P		
	2-5		T		S								P		
	1		T			S					P				
	under 1		T			S								P	
7-9	2-5		T		S								P		
	1								---n/a---						
	under 1		T			S									

30 P denotes primary houseworker
31 S denotes secondary houseworker
32 T denotes teenage houseworker

1 Subp. 2. Schedule B: Primary Houseworker Employed 15 or
 2 More Hours Per Week Outside Household.

3
 4 Base Hours Spent in Household Labor Per Month

		15	30	45	60	90	120	150	180	210	240	270	300	330	360
6															
7	# Children in Family														
8	Age in Years														
9	0 Primary Houseworker														
10	under 25			S			P								
11	25-39			S			P								
12	40-54		S				P								
13	55 & over		S				P								
14	1 Youngest Child														
15	12-17		T		S			P							
16	6-11		S						P						
17	2-5					S		P							
18	1					S			P						
19	under 1					S				P					
20	2 12-17		T	S				P							
21	6-11		T	S					P						
22	2-5		T			S				P					
23	1					S					P				
24	under 1					S						P			
25	3 12-17		T	S			P								
26	6-11			ST						P					
27	2-5			T		S						P			
28	1					S							P		
29	under 1					S					P				
30	4 12-17		S	T					P						
31	6-11		TS					P							
32	2-5														
33	1														
34	under 1														
35	5-6 6-11														
36	2-5														
37	1														
38	under 1														
39	7-9 2-5														
40	1														
41	under 1														

28 P denotes primary houseworker
 29 S denotes secondary houseworker
 30 T denotes teenage houseworker