

5210.0480 REPRESENTATIVES OF EMPLOYERS AND EMPLOYEES TO ACCOMPANY INVESTIGATORS.

Subpart 1. **Accompanying the investigator.** The investigator shall be in charge of all aspects of an investigation. A representative of the employer and a representative authorized by the employees shall be given an opportunity to accompany the investigator during the physical inspection of the workplace for the purpose of aiding the investigation. An investigator may permit additional employer representatives and additional representatives authorized by employees to accompany the investigator where the investigator determines that additional representatives will aid the investigation. A different employer and employee representative may accompany the investigator during different phases of a physical inspection if the investigator determines that this will not interfere with the conduct of the investigation.

The representative authorized by employees shall be an employee of the employer.

Subp. 2. **Denial of right to accompany.** The investigator is authorized to deny the right of accompaniment under this part to any person whose conduct interferes with a fair and orderly investigation. The right of accompaniment in areas containing trade secrets shall be subject to Minnesota Statutes, section 182.668.

Subp. 3. **Identification of representatives.** The investigator has authority to resolve all disputes as to who are the representatives authorized by the employer and employees for the purpose of this part. If there is no representative authorized by employees, or if the investigator is unable to determine with reasonable certainty who is the employee representative, a reasonable number of employees shall be consulted by the investigator concerning matters of safety and health in the workplace.

Statutory Authority: *MS s 182.657; 182.659*

History: *17 SR 1279; 20 SR 2428*

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