

5210.0536 EMPLOYER CONTEST.**Subpart 1. Posting and service.**

A. The employer shall, on or before the date a notice of contest is required to be filed with the commissioner, post a copy of the notice of contest where the citation and notification of penalty or notification of failure to abate is required to be posted. The notice of contest must remain posted until the date of the hearing or earlier final disposition of the contest.

B. If there are any affected employees who are represented by an authorized employee representative, the employer shall, on or before the date a notice of contest is required to be filed with the commissioner, serve a copy of the notice of contest upon the representative.

C. Certification of the service and posting required by this subpart must be notarized and filed with the commissioner as provided on the notice of contest form.

Subp. 2. Filing. The notice of contest must be filed within 20 calendar days of the date the employer receives the citation and notification of penalty or notification of failure to abate. The day the notice of contest is received shall not be included in calculating the 20 calendar days. The last day of the 20-day period shall be included, unless it is a Saturday, Sunday, or state holiday, in which event the period runs until the next day which is not a Saturday, Sunday, or state holiday. A notice of contest may be filed with the commissioner by postage prepaid first class mail, personal delivery, or facsimile transmission according to part 5210.0007. If the notice of contest form is not posted, served, and filed within 20 days of the date the employer receives the citation and notification of penalty or notification of failure to abate, the citation and notification of penalty or notification of failure to abate become a final order of the commissioner and is not subject to review by any court or agency.

Statutory Authority: *MS s 182.657*

History: *20 SR 2428; 22 SR 1758*

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