

5220.2820 FAILURE TO MAKE TIMELY REPORT OF INJURY; PENALTY.

Subpart 1. **Basis.** A penalty may be assessed under Minnesota Statutes, section 176.231, subdivision 10:

A. against the employer, if a work-related death or serious injury occurs to an employee and:

- (1) the commissioner is not notified within 48 hours; or
- (2) the commissioner is initially notified within 48 hours of the occurrence but the report of the injury is not filed with the commissioner within seven days of the occurrence as provided in part 5220.2530, subpart 3;

B. against the employer, if any other injury which must be reported to the division occurs and:

- (1) the employer is self-insured and the electronic first report of injury is filed with the division, as provided in part 5220.2530, more than 14 days after the first day of lost time due to the injury or 14 days after the date when notice of lost time due to the injury was received by the employer, whichever is later; or

- (2) the employer is not self-insured and the first report of injury is received by the insurer more than ten days after the first day of lost time due to the injury or ten days after the date when notice of lost time due to the injury was received by the employer, whichever is later; or

C. against the insurer, if:

- (1) an injury which must be reported to the division occurs;
- (2) the first report of injury is received by the insurer from the employer within the ten-day period described in item B, subitem (2); and
- (3) the electronic first report of injury is filed with the division, as provided in part 5220.2530, more than 14 days after the first day of lost time due to the injury, or 14 days after the date when notice of lost time due to the injury was received by the employer, whichever is later.

Subp. 2. **Amount.** If the employer or insurer has violated subpart 1 and has had no similar violations in the 12-month period prior to the assessment, an advisory letter informing the employer or insurer of the violation and the statutory requirement must be sent. If the employer or insurer has had one violation of subpart 1 in the past 12 months, a penalty of \$125 must be assessed. If the employer or insurer has had two violations in the past 12 months, a penalty of \$250 must be assessed. If the employer or insurer has had three violations in the past 12 months, a penalty of \$375 must be assessed. If the employer

or insurer has had four or more violations in the past 12 months, a penalty of \$500 must be assessed.

Subp. 3. **Assessment.** The penalty must be assessed by written notice of penalty assessment informing the employer or insurer of the number of violations in the past 12 months on record and the amount of the penalty. The notice must contain instructions for payment.

Subp. 4. **Payable to.** The penalty is payable to the commissioner for deposit in the assigned risk safety account.

Subp. 5. [Repealed, 18 SR 2546]

Statutory Authority: *MS s 14.388; 175.17; 175.171; 176.129; 176.138; 176.221; 176.225; 176.231; 176.238; 176.83; 176.84*

History: *11 SR 1530; 18 SR 2546; 23 SR 1484; 35 SR 2015; 38 SR 726*

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