

**5229.0050 TERMINATION OF RECOGNITION.**

Subpart 1. **Complaints; investigation.** Complaints pertaining to violations of parts 5229.0010 to 5229.0060, or Minnesota Statutes, section 176.1812, by the operator or administrator of a collective bargaining agreement for a workers' compensation program shall be directed in writing to the commissioner. As a result of a written complaint or the department's monitoring of the workers' compensation program operations, the department shall investigate the alleged violation. The investigation may be referred to the fraud investigation unit pursuant to Minnesota Statutes, section 175.16, subdivision 2. The investigation may include, but shall not be limited to, request for and review of pertinent collectively bargained agreement plan records. If the investigation reveals reasonable cause to believe there has been a violation, the commissioner may notify the administrator of the alleged violation and allow them 15 days to correct the violation, or initiate a contested case proceeding under Minnesota Statutes, chapter 14, to terminate the recognition. In the event the commissioner elects to utilize the 15-day notice procedure and the violation is not resolved, then the contested case procedure for termination will be initiated.

Subp. 2. **Criteria.** Under Minnesota Statutes, section 176.1812, subdivisions 2 and 4, the recognition of a collective bargaining agreement for a workers' compensation program issued by the commissioner shall be terminated if:

A. the program diminishes an employee's entitlement to benefits under Minnesota Statutes, chapter 176;

B. the program did not result from a collective bargaining agreement as defined in part 5229.0010, subpart 1;

C. the collective bargaining agreement is not between a qualified employer or qualified group of employers and the certified and exclusive representative of the employees; or

D. the employer is not engaged in construction, construction maintenance, and related activities.

Subp. 3. **Effects.** The effective date for termination of recognition of the program under parts 5229.0010 to 5229.0060 or Minnesota Statutes, section 176.1812, is the date of the final order for termination. The sponsors of the collectively bargained agreement for a workers' compensation program may reapply for recognition after correcting the violations prompting the termination.

**Statutory Authority:** *MS s 176.1812*

**History:** *21 SR 1246*

**Published Electronically:** *June 11, 2008*