182.661 ENFORCEMENT.

Subdivision 1. **Notice of penalty; contesting a penalty.** If, after an inspection or investigation, the commissioner issues a citation under section 182.66, the commissioner shall notify the employer by certified mail of the penalty, if any, proposed to be assessed under section 182.666 and that the employer has 20 calendar days within which to file a notice of contest and certification of service, on a form provided by the commissioner, indicating that the employer wishes to contest the citation, type of violation, proposed assessment of penalty, or the period of time fixed in the citation given for correction of violation. A copy of the citation and the proposed assessment of penalty shall also be mailed to the authorized employee representative including, in the case of the death of an employee, the next of kin. If within 20 calendar days from the receipt of the penalty notice issued by the commissioner the employer fails to file the notice of contest, and no notice of contest is filed by any employee or authorized representative of employees under subdivision 3 within such time, the citation and assessment, as proposed, shall be deemed a final order of the commissioner and not subject to review by any court or agency.

Subd. 2. **Failure to correct a violation.** If the commissioner has reason to believe that an employer has failed to correct a violation for which a citation has been issued within the period permitted for its correction, which period shall not begin to run until the entry of a final order by the commissioner in case of any review proceedings under this section initiated by the employer in good faith and not solely for delay or avoidance of penalties, the commissioner shall notify the employer by certified mail of such failure and of the penalty proposed to be assessed under section 182.666 by reason of such failure, and that the employer has 20 calendar days within which to file a notice of contest and certification of service, on a form provided by the commissioner, indicating that the employer wishes to contest the commissioner's notification or the proposed assessment of penalty. If, within 20 calendar days from the receipt of penalty notification issued by the commissioner, the employer fails to file the notice of contest indicating that the employer intends to contest the notification or proposed assessment of penalty, the penalty notification and assessment, as proposed, shall be deemed a final order of the commissioner and not subject to review by any court or agency.

Subd. 2a. **Action in district court.** The commissioner may bring an action in district court for injunctive or other appropriate relief including monetary damages if the employer fails to comply with a final order of the commissioner.

Subd. 3. **Contested citations or penalties.** If an employer notifies the commissioner that the employer intends to contest the citation or the proposed assessment of penalty or the employee or the authorized employee representative notifies the commissioner that the employee intends to contest the time fixed for abatement in the citation issued under section 182.66, the citation, the type of alleged violation, the proposed penalty, or notification issued under subdivision 1 or 2, the commissioner shall resolve the matter by settlement agreement, petition the board for a decision based on stipulated facts, or refer the matter to an administrative law judge for a hearing in accordance with the applicable provisions of chapter 14. Where the commissioner refers a matter for a contested case hearing, the administrative law judge shall make findings of fact, conclusions of law, and any appropriate orders. The determinations shall be the final decision of the commissioner and may be appealed to the board by any party. The rules of procedure prescribed by the commissioner shall provide affected employees or authorized representatives of affected employees an opportunity to participate as parties to hearings under this subdivision. Upon receipt of notice of hearing under this subdivision, the employer shall serve such notice as required by rule.

Subd. 3a. **Posting and service requirements.** As prescribed in rules issued by the commissioner, each notice of intent to contest the citation, proposed assessment of penalty, or period of time fixed in the citation for correction of the violation shall be prominently posted at or near each place a violation referred to in the citation occurred or served on affected employers, employees, and authorized employee representatives. If

the contesting employer, employee, or authorized employee representative fails to post or serve the notice of intent to contest the citation, the proposed assessment of penalty, or the period of time fixed for correction of the violation within the time prescribed in rules issued by the commissioner, the administrative law judge may render a default judgment in favor of the commissioner.

Subd. 3b. **Service of notices.** The contesting party shall serve a copy of the notice of contest and notice to employees, on forms provided by the commissioner, upon unrepresented affected employees and authorized employee representatives on or before the date the notice of contest is filed with the commissioner. For purposes of this section, filing may be accomplished by United States mail addressed to the commissioner. Filing is timely if the document is deposited in the United States mail and postmarked within the time fixed for filing or otherwise timely received by the commissioner.

Subd. 3c. **Contestation of time for correction of a violation.** (a) Where an employer contests the period of time fixed for correction of a violation that is not a serious, willful, or repeat violation, the period of time shall not run until the order of the commissioner becomes final.

(b) Where an employer or employee contests the period of time fixed for correction of a violation that is a serious, willful, or repeat violation, the commissioner may refer the matter to the Court of Administrative Hearings for an expedited contested case hearing solely on the reasonableness of the time fixed for correction. The administrative law judge may order the employer to correct the violation pending final resolution of the cited violations on the merits.

Subd. 4. **Relation to federal enforcement provisions.** Enforcement of this section shall continue to be at least as effective as the enforcement as provided for in the federal Occupational Safety and Health Act of 1970.

Subd. 5. **Settlement.** Where the parties resolve a contested matter by settlement agreement, the contesting party shall serve a copy of the agreement upon affected employees and authorized employee representatives. Affected employees and authorized employee representatives may file, with the commissioner, an objection to the settlement agreement. The objections must be filed within ten calendar days after service of the agreement. Upon receipt of an objection to a settlement agreement, the commissioner may refer the agreement to the Court of Administrative Hearings for assignment to an administrative law judge who shall give consideration to the objection before approving or disapproving the agreement. If no timely objection is made, the settlement agreement becomes a final order of the commissioner.

Subd. 6. **Complaint and answer.** The commissioner shall serve a complaint on all parties no later than 90 calendar days after receiving a notice of contest. The contesting party shall serve an answer on all the parties within 20 calendar days after service of the complaint.

History: *1973 c 732 s 12; 1975 c 271 s 6; 1975 c 375 s 3,4; 1Sp1981 c 4 art 2 s 16; 1982 c 424 s 130; 1985 c 130 s 11,12; 1986 c 444; 1987 c 46 s 3; 1991 c 233 s 66,68-74; 1997 c 81 s 1; 2000 c 488 art 2 s 12; 2023 c 53 art 11 s 42; 2025 c 39 art 2 s 68*