

DRAFT Possible Amendments to Minnesota Rules, parts 5210.0007, 5210.0536, 5210.0539

5210.0007 FILING; FACSIMILE.

[For text of subp. 1, see M.R.]

Subp. 2. Filing by facsimile.

Documents may be filed by facsimile. Filing is completed at the time that the facsimile is received by the commissioner and has the same force and effect as the original. A faxed document will not be considered filed unless all pages are successfully transmitted via facsimile. Documents received by facsimile after 4:30 p.m. ~~Central Standard Time~~ are deemed filed on the next day.

~~Within five days after the commissioner has received the transmission, the party filing the document must file with the commissioner the original signed document.~~

Subp. 2a. **Filing electronically.** Notices of contest and letters of contest under parts 5210.0536 and 5210.0539 and progress reports and other abatement documentation under part 5210.0532, subpart 2, clause C, may be filed electronically by e-mail or other reliable method of electronic transmission. Filing is completed at the time that the electronic transmission is received by the commissioner and has the same force and effect as the original. An electronically transmitted document will not be considered filed unless all pages are successfully transmitted electronically. Documents received electronically after 4:30 p.m. are deemed filed on the next business day.

[For text of subp. 3, see M.R.]

5210.0536 EMPLOYER CONTEST.

[For text of subp. 1, see M.R.]

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, or electronic 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

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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.

5210.0539 EMPLOYEE AND AUTHORIZED EMPLOYEE REPRESENTATIVE CONTESTS.

[For text of subp. 1, see M.R.]

Subp. 2. Filing.

A. An employee or authorized employee representative shall file a letter of contest with the commissioner within 20 days of the date the employer receives the citation and notification of penalty or notification of failure to abate. If an employee or authorized employee representative files a letter of contest with the commissioner within 20 days of the date the employer receives the citation and notification of penalty or the notification of failure to abate, the commissioner shall promptly send the employee or authorized employee representative a notice of contest form by certified mail.

B. Within seven days of the employee's or authorized employee representative's receipt of the employee notice of contest form, the employee or authorized employee representative shall file the fully completed form with the commissioner. The day the notice of contest is received shall not be included in calculating the seven calendar days. The last day of the seven-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. An employee notice of contest form may be filed with the commissioner by postage prepaid first class mail, personal delivery, ~~or~~ facsimile, or electronic transmission according to part 5210.0007.

C. If the letter of contest is not filed within 20 days of the date the employer receives the citation and notification of penalty or notification of failure to abate, or if the employee notice of contest form is not filed within seven days of the date the form is received, the citation and notification of penalty or notification of failure to abate becomes a final order of the commissioner and is not subject to review by any court or agency.