

1420.2605 DISPOSITION OF COVERAGE ISSUES.

Subpart 1. **Motion.** If an answer filed under Minnesota Statutes, section 176.321, raises an issue related to independent contractor or employment status, a party may move to bifurcate the issue or issues for immediate and expedited resolution upon stipulated facts under Minnesota Statutes, section 176.322, a summary decision under Minnesota Statutes, section 176.305, or a hearing.

Subp. 2. **Filing.** The motion must be filed with the division pursuant to part 1420.2250. The motion must include evidence relied on in support of the motion by verified affidavits or stipulated facts, any request for a hearing, and if desired, a written brief not exceeding 25 pages in support of the motion.

Other parties to the proceeding may respond to the motion within 20 days after the service of the motion under this part by submission of affidavits and, in the party's discretion, a written brief not exceeding 20 pages. The movant will have ten days from service of a response to the motion to file affidavits and, if desired, a written brief not exceeding ten pages in rebuttal to any issue raised in opposition to the motion.

Subp. 3. **Decision; hearing.** The judge may determine the motion based on stipulated facts, issue a summary decision, or schedule a hearing.

Subp. 4. **Hearing on the merits.** The office shall schedule a hearing on other issues not decided under this subpart, if needed, following a final decision on the motion under this subpart and any related appeal.

Statutory Authority: *MS s 14.51; 176.081; 176.155; 176.285; 176.312; 176.361; 176.83*

History: *29 SR 1446*

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