

**4731.1040 INSPECTIONS; PRESENCE OF REPRESENTATIVES.**

A. A licensee must afford to the commissioner at all reasonable times opportunity to inspect materials, activities, facilities, premises, and records according to this chapter.

B. During an inspection, the commissioner's inspectors may consult privately with workers according to part 4731.1050. The licensee or licensee's representative may accompany the commissioner's inspectors during other phases of an inspection.

C. If, at the time of inspection, an individual has been authorized by the workers to represent them during commissioner's inspections, the licensee must notify the inspectors of such authorization and must give the workers' representative an opportunity to accompany the inspectors during the inspection of physical working conditions.

D. Each workers' representative must be routinely engaged in licensed activities under control of the licensee and must have received instruction according to part 4731.1020.

E. Different representatives of licensees and workers may accompany the inspectors during different phases of an inspection if there is no resulting interference with the conduct of the inspection. Only one workers' representative at a time may accompany the inspectors.

F. With the approval of the licensee and the workers' representative, an individual who is not routinely engaged in licensed activities under control of the licensee, for example, a consultant to the licensee or workers' representative, must be afforded the opportunity to accompany the commissioner's inspectors during the inspection of physical working conditions.

G. Notwithstanding other provisions of this part, inspectors may refuse to permit accompaniment by an individual who deliberately interferes with a fair and orderly inspection.

H. With regard to areas containing information classified by an agency of the federal government in the interest of national security, an individual who accompanies an inspector must be authorized to have access to such information.

I. With regard to an area containing proprietary information, the workers' representative for that area must be an individual previously authorized by the licensee to enter the area.

**Statutory Authority:** *MS s 144.1202; 144.1203*

**History:** *29 SR 755*

**Published Electronically:** *March 12, 2009*