

5210.0520 INVESTIGATION NOT WARRANTED; INFORMAL REVIEW.

If the commissioner determines that a citation will not be issued or that an investigation is not warranted because there are no reasonable grounds to believe that a violation or danger exists with respect to a complaint filed under Minnesota Statutes, section 182.659, subdivisions 4 and 5, the commissioner shall notify the complaining party in writing of that determination. The complaining party may request an informal review of the determination by submitting a written statement of position to the commissioner and, at the same time, providing the employer with a copy of the statement by certified mail unless the complaining party has requested anonymity when filing the complaint. If the complaining party has requested anonymity when filing the complaint, the commissioner shall summarize the complaining party's written statement leaving out the complaining party's identity and provide the employer with a copy of the summary by certified mail. The employer may submit an opposing written statement of position to the commissioner and, at the same time, provide the complaining party with a copy of the statement by certified mail unless the employer has received a summary of the complaining party's written statement of position. If the employer has received the summary, the commissioner shall provide the complaining party with a copy of the employer's opposing statement by certified mail. Upon the request of the employee or the employer, the commissioner may hold an informal conference or conferences in which the complaining party and the employer may orally present their views together or separately. After considering all written and oral views presented, the commissioner shall affirm, modify, or reverse the determination and furnish the complaining party and the employer a written notification of the decision and the reasons for the decision.

Statutory Authority: *MS s 182.657*

History: *17 SR 1279; 20 SR 2428*

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