

5210.0596 SETTLEMENT; MISCELLANEOUS PROVISIONS.

Subpart 1. **Service and notice.** A settlement agreement must be posted where the citation and notification of penalty or notification of failure to abate is required to be posted and must be served on authorized employee representatives by the employer. The citation and notification of penalty or notification of failure to abate, or an unedited copy, shall remain posted with the settlement agreement for ten days, until all stipulations of the settlement agreement have been satisfied, or until all violations have been abated, whichever is later.

Subp. 2. **Contents of settlement agreements.** Settlement agreements must contain:

A. a provision that states the date the employer posted and served the agreement under subpart 1;

B. an affirmative statement that the contesting party withdraws the notice of contest; and

C. a statement that describes how the settlement agreement affects the status of the contested citation, type of violation, abatement date, and proposed penalty.

Subp. 3. **Objection to settlement agreement.** If there is no timely objection to the agreement by affected employees or authorized employee representatives, a settlement agreement becomes a final order ten days after it has been posted and served upon the authorized employee representatives.

An affected employee or authorized employee representative may file an objection to a proposed settlement with the commissioner within ten days after posting and service of the settlement agreement on the authorized employee representative. On receipt of a timely objection, the commissioner may renegotiate the settlement, refer the agreement and objection to an administrative law judge for approval despite the objection, or withdraw the settlement agreement and continue proceedings on the contested citation.

Statutory Authority: *MS s 182.657*

History: *20 SR 2428; 22 SR 1758*

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