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| **Minnesota****Department of Labor and Industry** | Inspection Number | OSHI ID | Optional Report No.: |
|       |       |       |
| Occupational Safety and Health Division443 Lafayette Road NorthSt. Paul, MN 55155-4307Phone: 1-800-DIAL-DLI (1-800-342-5354) (651) 284-5050FAX: (651) 284-5741 www.dli.mn.gov | Employer’s Name and Mailing Address: |
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**NOTICE OF CONTEST AND SERVICE TO AFFECTED EMPLOYEES**

**PURPOSE OF THIS FORM**

If you have received a Citation and Notification of Penalty from the Minnesota Occupational Safety and Health Division (MNOSHA) and you wish to contest any part of the Citation, including the penalty, you must complete this form. **For your contest to be valid, you must file this form within 20 calendar days of the date the employer received the Citation.**

If you only wish to obtain an extension of time to correct the violation, you may file a Petition for Modification of Abatement Date according to the instructions on the Citation and Notification of Penalty.

By filing this Notice of Contest form, you are initiating a formal contested case proceeding before an administrative law judge of the parts of the Citation and Notification of Penalty you are contesting. This form must be filed in good faith and not solely for delay or avoidance of penalties.

**HOW TO FILE THIS FORM**

* This Notice of Contest form must be filed with the Commissioner of the Department of Labor and Industry at the above address **within 20 calendar days** after the date the employer received the Citation and Notification of Penalty. To be considered filed, all parts of the Notice of Contest form must be completed and the completed form must be mailed and postmarked, **within 20 calendar days** after the date the employer received the Citation and Notification of Penalty. You may also file electronically (at contestation.dli@state.mn.us), by facsimile (FAX), or by hand-delivering the completed form to the Department, if received **no later than 4:30 p.m. on the 20th calendar day.**
* If you fail to file the fully completed Notice of Contest form on time, the Citation and Notification of Penalty becomes a final order of the Commissioner that is not subject to review by any court or agency.

**APPEAL PROCESS**

Upon receipt of a timely filed Notice of Contest form, MNOSHA will contact you and schedule a date, time and location for an informal conference. The purpose of the informal conference is to allow you to discuss with a MNOSHA representative the Citation and Notification of Penalty and the basis for your contest. The goal of the informal conference is to reach an early resolution of the contest. If you and MNOSHA are unable to reach a resolution at the informal conference then the contest will proceed to a formal contested case hearing.

**COMPLETING THIS FORM**

1. **HOW TO IDENTIFY THE INSPECTION BEING CONTESTED.**

Complete the box at the top of this form using the Inspection Number, OSHI ID, Optional Report Number and Employer's Mailing Address from the Citation and Notification of Penalty being contested.

2. **HOW TO CONTEST THE CITATION AND NOTIFICATION OF PENALTY.**

Indicate in the boxes on the next page which part(s) of the Citation and Notification of Penalty you wish to contest. Identify the citations you are contesting by indicating the citation and item numbers. Then indicate which part(s) of each item is being contested. Finally, state your reasons for contesting in the space provided below the boxes.

• Check the box CITATION if you wish to contest that the violation occurred.

• Check the box TYPE OF VIOLATION if you wish to contest the characterization of the violation as non-serious, serious, willful or repeat.

• Check the box ABATEMENT DATE if you wish to contest the date by which you must abate the violation.

• Check the box PENALTY if you wish to contest the amount of the penalty.

**FAILURE TO CHECK ANY PART WILL RESULT IN THAT PART OF THE CITATION BECOMING A FINAL ORDER OF THE COMMISSIONER THAT IS NOT REVIEWABLE BY ANY COURT OR AGENCY.**

|  |  |  |
| --- | --- | --- |
| CITATION NUMBER | ITEM NUMBER |  (check all that apply) |
|  |  | [ ]  Citation | [ ]  Type of Violation | [ ]  Abatement Date | [ ]  Penalty |
|  |  | [ ]  Citation | [ ]  Type of Violation | [ ]  Abatement Date | [ ]  Penalty |
|  |  | [ ]  Citation | [ ]  Type of Violation | [ ]  Abatement Date | [ ]  Penalty |
|  |  | [ ]  Citation | [ ]  Type of Violation | [ ]  Abatement Date | [ ]  Penalty |
|  |  | [ ]  Citation | [ ]  Type of Violation | [ ]  Abatement Date | [ ]  Penalty |
|  |  | [ ]  Citation | [ ]  Type of Violation | [ ]  Abatement Date | [ ]  Penalty |

REASONS FOR CONTEST: (Additional sheets may be attached as necessary, and they will be considered part of this form.)

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|      4. **DATE OF POSTING.** The employer must certify in Box A **or** B below the dates on which it posted and served this form. |

3. **DATES OF POSTING AND SERVING**. You must certify in Box A **or** B below the dates you posted and served this form.

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| A. **Union**: Complete part A if you have affected Employees Represented by Authorized Employee Representatives |
| I hereby certify that I posted fully completed copies of this form on \_\_\_     \_\_\_\_\_\_\_(date) at the locations where the Citation and Notification of Penalty is required to be posted; and I served fully completed copies of this formon \_\_\_     \_\_\_\_\_\_\_\_\_\_\_(date) upon the authorized employee representatives of affected employees. |

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| B. **Non-Union**: Complete part B if you have affected Employees **Not** Represented by Authorized Employee Representatives |
| I hereby certify that I posted fully completed copies of this form on \_\_     \_\_\_\_\_\_\_\_(date) at the locations where the Citation and Notification of Penalty is required to be posted and that I do not have any affected employeeswho are represented by authorized employee representatives. |

4. **OATH.** The employer completing this form must **sign** and have **notarized** the following statement.

I SWEAR THAT THE INFORMATION PROVIDED ON THIS FORM AND ATTACHED TO THIS FORM IS ACCURATE AND TRUTHFUL TO THE BEST OF MY KNOWLEDGE.

 State of \_\_\_\_\_\_ County of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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|       |       |  | Subscribed and sworn to before me |
| Name of Employer Representative, Title Phone |  | this |  | day of |  |
|  |  | Notary Public |  |
| Signature Date |  | My Commission expires |  |

R 04/12