

IF THE COMMISSIONER HAS REASON TO BELIEVE THAT AN EMPLOYER HAS FAILED TO CORRECT A VIOLATION WITHIN THE TIME ALLOWED, THE COMMISSIONER SHALL SEND BY CERTIFIED MAIL TO THE EMPLOYER A NOTICE THAT:

(1) STATES THAT THE EMPLOYER HAS FAILED TO CORRECT THE VIOLATION;

(2) STATES THE CIVIL PENALTY, IF ANY, THAT THE COMMISSIONER INTENDS TO ASSESS UNDER THIS TITLE FOR THE FAILURE; AND

(3) INFORMS THE EMPLOYER THAT, WITHIN 15 WORK DAYS AFTER RECEIPT OF THE NOTICE, THE EMPLOYER MAY SUBMIT TO THE COMMISSIONER A NOTICE OF CONTEST ON THE NOTICE OR CIVIL PENALTY.

(E) NOTICE AS FINAL ORDER.

UNLESS AN EMPLOYER NOTIFIES THE COMMISSIONER OF AN INTENT TO CONTEST AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE NOTICE, INCLUDING ANY CIVIL PENALTY, IS A FINAL ORDER.

REVISOR'S NOTE: Subsections (a), (b), and (c)(2) through (e) of this section are new language derived without substantive change from former Art. 89, § 37(a) and (b) and the first sentence of (c), as that sentence related to notice from an employee on the time for abatement, and § 40(d) as that subsection referred to the time that the period for correction begins to run.

Subsection (c)(1) of this section is new language added to state expressly that which only was implied in the former law.

In subsection (c)(2) of this section, the reference to a case of "review by the Commissioner of proceedings before a hearing examiner" is deleted as unnecessary in light of the reference to finality of the order. See § 5-214(f) of this subtitle.

Defined terms: "Commissioner" § 5-101

"Employee" § 5-101 "Employer" § 5-101

5-214. HEARINGS.

(A) REQUIRED.

THE COMMISSIONER SHALL GRANT A HEARING, IF PRACTICABLE, WITHIN 30 DAYS AFTER RECEIPT OF A NOTICE THAT AN EMPLOYER OR EMPLOYEE OR REPRESENTATIVE OF AN EMPLOYEE SUBMITS UNDER § 5-213 OF THIS SUBTITLE.

(B) PARTIES.