

481—205.9(88) Special variance.

205.9(1) Application for variance. Any employer, or class of employers, desiring a special variance authorized by Iowa Code section 88.5(7) may file a written application containing the information specified in subrule 205.9(2) with the commissioner.

205.9(2) Contents. An application filed pursuant to subrule 205.9(1) includes:

- a. The name and address of the applicant;
- b. The address of the place or places of employment involved;
- c. The name of the federal agency and a designation of the standard, rule, or regulation allegedly in conflict with a standard, rule, or regulation of the division of labor services;
- d. A designation of the standard, rule, or regulation of the division of labor services allegedly in conflict;
- e. A description of the conditions, means, methods, operations, and procedures used and a specific detailed statement as to how and where the conflict exists between federal agency or agencies and the division of labor services;
- f. A description of the conditions, practices, means, methods, operations, or processes used or proposed to be used by the applicant;
- g. A statement showing how the conditions, practices, means, methods, operations, or processes used or proposed to be used would take into consideration the safety and health of the employees involved;
- h. A certification that the applicant has informed employees affected of the application by (1) giving a copy thereof to their authorized representative; (2) posting a statement giving a summary of the application and specifying where a copy may be examined, at the place or places where notices to employees are normally posted (or in lieu of such summary, the posting of the application itself); and (3) other appropriate means where necessary;
- i. Any request for a hearing, as provided in this chapter;
- j. A description of how employees have been informed of the application and of their right to petition the commissioner for a hearing; and
- k. The signature of the applicant or the applicant's authorized representative.

205.9(3) Interim order. Procedures for applications and for notifications of a denial or grant of interim orders are in the same manner as provided for in subrule 205.7(3).

This rule is intended to implement Iowa Code section 88.7.

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