

875—160.9(91E) Exemptions. This rule contains procedures for the application for and granting of exemptions from the requirements of the Act or the rules in this chapter. These rules shall be construed to secure a prompt and just conclusion of proceeding subject to this rule.

160.9(1) An exemption may be granted by the commissioner where reasonable.

160.9(2) An applicant desiring an exemption shall file a written application with the commissioner which shall include:

- a.* The name, address and telephone number of the applicant;
- b.* The address or location of the work site affected;
- c.* A description of the operation or type of work site;
- d.* A listing of the section of the Act or rules to which the exemption would apply;
- e.* A representation of the impact of compliance on the part of the applicant;
- f.* A representation of why the exemption would be reasonable;
- g.* If the applicant is an employer, a description of how employees and non-English speaking employees have been informed of the application and their rights to petition the commissioner for a hearing;
- h.* If the applicant is an employee or non-English speaking employee, a description of how the employer has been informed of the application and the employer's rights to petition the commissioner for a hearing;
- i.* A request for a hearing, if one is desired; and
- j.* Any other information the commissioner may request.

160.9(3) At the time the application is received, the commissioner shall promptly provide the applicant with a notice of receipt of application which shall be posted where notices are customarily posted for employees. If the applicant is an employee or non-English speaking employee, the employer shall post the notice when provided to the employer.

160.9(4) If the applicant is an employer, any affected employee or affected non-English speaking employee may request a hearing. If the applicant is an employee or non-English speaking employee, the affected employer may request a hearing. Any request for a hearing on the application shall be done by notifying the commissioner within 14 calendar days of posting of the notice provided under subrule 160.9(3).

160.9(5) Any hearing held shall be conducted pursuant to the rules in 875—Chapter 300.