

111—12.2(17A) Director discretion. The decision on whether the circumstances justify the granting of a waiver shall be made at the sole discretion of the director upon consideration of all relevant factors. The director may bring a request for a waiver to the commission for discussion prior to issuing a decision on the waiver. The director shall notify the commission of any waiver granted or denied.

12.2(1) The director may, in response to a completed petition or on the director's own motion, grant a waiver from a rule, in whole or in part, as applied to the circumstances of a specified situation if the director finds each of the following:

- a.* Application of the rule to the person at issue would result in hardship or injustice to that person; and
- b.* Waiver on the basis of the particular circumstances relative to that specified person would be consistent with the public interest; and
- c.* Waiver in the specific case would not prejudice the substantial legal rights of any person; and
- d.* Waiver in the specific case would not have a negative impact on any person affected by the waiver.

In determining whether a waiver should be granted, the director shall consider the public interest, policies and legislative intent of the statute on which the rule is based. When the rule from which a waiver is sought establishes administrative deadlines, the director shall balance the special individual circumstances of the petitioner with the overall goal of uniform treatment of all constituents.

12.2(2) Special waiver rules not precluded. These uniform waiver rules shall not preclude the director from granting waivers in other contexts or on the basis of other standards if a statute or other department rule authorizes the director to do so and the director deems it appropriate to do so.

12.2(3) Time period of waiver. A waiver shall not be permanent unless the petitioner can show that a temporary waiver would be impracticable. If a temporary waiver is granted, there is no automatic right to renewal. At the sole discretion of the director, a waiver may be renewed if the director finds that grounds for the waiver continue to exist.