

**875—5.8(88) Permanent variance.**

**5.8(1) *Application for variance.*** Any employer or class of employers desiring a variance authorized by Iowa Code section 88.5(6) may file a written application containing the information specified in subrule 5.8(2) with the labor commissioner.

**5.8(2) *Contents.*** An application filed pursuant to 5.8(1) shall include:

- a.* The name and address of the applicant;
- b.* The address of the place or places of employment involved;
- c.* A description of the conditions, practices, means, methods, operations or processes used or proposed to be used by the applicant;
- d.* A statement showing how the conditions, practices, means, methods, operations or processes used or proposed to be used would provide employment and places of employment to employees which are as safe and healthful as those required by the standard from which a variance is sought;
- e.* A certification that the applicant has informed affected employees 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) by other appropriate means when necessary;
- f.* Any request for a hearing, as provided in this chapter;
- g.* A description of how employees have been informed of the application and of their right to petition the labor commissioner for a hearing; and
- h.* The signature of the applicant or the applicant's authorized representative.

**5.8(3) *Interim order.*** Procedures for applications and for notifications of a denial or grant of interim orders shall be in the same manner as provided for in subrule 5.7(3).

This rule is intended to implement Iowa Code section 88.6.

[ARC 5632C, IAB 5/19/21, effective 6/26/21]