

**875—5.9(88) Special variance.**

**5.9(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 5.9(2) with the labor commissioner.

**5.9(2) *Contents.*** An application filed pursuant to 5.9(1) shall include:

- 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) by 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 labor commissioner for a hearing; and
- k.* The signature of the applicant or the applicant's authorized representative.

**5.9(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 5.7(3).

This rule is intended to implement Iowa Code section 88.7.  
[ARC 5632C, IAB 5/19/21, effective 6/26/21]