

§571. Variance

An affected employer may apply to the director for an order for a variance from a standard promulgated under this chapter. Affected employees must be given notice of each application and an opportunity to participate in a hearing. The director shall issue the order if the director determines on the record, after a hearing and, when appropriate, an inspection, that the proponent of a variance has demonstrated by a preponderance of the evidence that the conditions, practices, means, methods, operations or processes used or proposed to be used by an employer will provide employment and places of employment to that employer's employees that are as safe and healthful as those that would prevail if the employer complied with the standard. Such an order may be summarily revoked by the director on the director's own motion or modified or revoked by the director upon application by an employer or employee in the manner prescribed for its issuance. [RR 2023, c. 2, Pt. E, §9 (COR).]

Any person aggrieved by an order of the director may appeal, at any time, from the order to the board under the process established in section 568. [PL 1981, c. 15, §2 (NEW).]

SECTION HISTORY

PL 1981, c. 15, §2 (NEW). RR 2023, c. 2, Pt. E, §9 (COR).

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