

**WAC 296-900-11025 Variance hearings.**

**IMPORTANT:**

Employers, affected employees, or employee representatives may request a hearing on any of the following:

1. Permanent or temporary variance requests.
2. Changes to existing variances.

(1) You and your affected employees must do all of the following if requesting a variance hearing:

(a) Put the request in writing and sign it.

(b) Make sure the request is posted or delivered to the department within twenty-one calendar days from the variance application date, or renewal request date.

(c) Send the written request to WISHA, using one of the following means:

Mail to:

Assistant Director

WISHA Services

P.O. Box 44650

Olympia, WA 98504-4650

Fax to: 360-902-5438

Take to any L&I office.

(2) You must immediately do all of the following when you receive a notice of the hearing from WISHA:

(a) Post a copy of the notice on the safety bulletin board.

(b) Give a copy of the notice to affected employees and employee representatives.

(c) Use any other appropriate means for notifying employees who may not receive notices posted on the safety bulletin board. For example, provide a copy to a designated representative or the safety committee.

**What to expect from WISHA:**

(3) WISHA will do both of the following after receiving a request for a hearing on a variance, change of variance, or temporary variance renewal:

(a) Within ten days, issue a notice advising all interested parties listed on the application that they have the option to participate in the hearing.

(b) Provide you with a notice of the hearing at least twenty calendar days before the hearing date.

(4) A hearing for the variance or variance change will be conducted as follows:

(a) A WISHA representative will explain WISHA's view of the request for a variance or any proposed change to a variance.

(b) Employers, employees, or employee representatives will then have an opportunity to explain their views and provide any relevant documents or information.

(5) Information gathered at the hearing will be used to make a decision about whether to grant or deny the request for a variance or change in variance.

**Note:**

1. WISHA may record a variance hearing.

2. Employers, employees, or employee representatives may request copies of recordings or transcripts of variance hearings at cost.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. WSR 17-18-075, § 296-900-11025, filed 9/5/17, effective 10/6/17; WSR 06-06-020, § 296-900-11025, filed 2/21/06, effective 6/1/06.]