

CR 86-39

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MAY 6 1986

Revisor of Statutes
Bureau

RULES CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPT. OF INDUSTRY,)
LABOR & HUMAN RELATIONS)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Howard S. Bellman, Secretary of the Department of Industry, Labor and Human Relations, and custodian of the official records of said department, do hereby certify that the annexed rule(s) relating to Variances were duly

(Subject) approved and adopted by this department on May 6, 1986 (Date).

I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at _____ in the city of Madison, this _____ day of _____ A.D. 19____.

Howard S. Bellman
Secretary

7-1-86

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ORDER OF ADOPTION

Pursuant to authority vested in the Department of Industry, Labor and Human Relations by section(s) 103.905(1), Stats., the Department of Industry, Labor and Human Relations hereby creates; amends; repeals and recreates; and repeals and adopts rules of Wisconsin Administrative Code chapter(s):

Ind. 201.09(7) Variances
(Number) (Title)

The attached rules shall take effect on the day following
publication in the Wis. Admin. Register, pursuant to section
227.026, Stats.

Adopted at Madison, Wisconsin, this 6th
day of May, A.D., 1986.

DEPARTMENT OF INDUSTRY, LABOR AND HUMAN RELATIONS

Howard S. Bellman
Secretary

RULE TEXT

Pursuant to authority vested in the Department of Industry, Labor and Human Relations by ss. 101.02(1) and 103.905(1), Stats., the Department of Industry, Labor and Human Relations hereby adopts rules interpreting secs. 103.902 to 103.97, Stats., as follows:

SECTION 1. Ind. 201.09(7) is created to read:

Ind. 201.09(7) VARIANCES. (a) The department may grant variance to a provision of this section if it determines that an equivalency is established in the petition for variance which meets the intent of the provision involved.

(b) An equivalency is established for the purposes of par. (a) when appropriate alternative measures have been taken to protect the health and safety of workers and to assure that the purpose of the provision from which the variance is sought will be observed.

(c) A variance issued under this subsection may be either temporary or permanent. In granting a variance, the department may impose specific conditions to promote the protection of the health, safety and welfare of the workers. Violation of any condition under which a petition is granted constitutes a violation of this chapter for which a compliance order may be issued or a variance may be revoked.

(d) Any person who wishes to contest a determination on a petition for variance may, within 30 days after the date of the determination, file a request for hearing with the secretary. The request shall contain a statement of the specific reasons for contesting the determination.

The secretary may deny the request if he or she determines that it sets forth insufficient reasons for a hearing. If the secretary grants the request, he or she may designate a hearing examiner to conduct the hearing and to issue either a recommended decision to the secretary or a final decision.

SECTION 2. This rule shall take effect upon publication as provided in s. 227.026(1)(intro.), Stats.

The Wisconsin Department of Industry, Labor and Human Relations

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✓ Gary Poulson
Assistant Revisor of Statutes
for Administrative Rules
411 West, State Capitol
Madison, Wisconsin

Douglas LaFollette
Secretary of State
Room 271, GEF-1
201 East Washington Avenue
Madison, Wisconsin

Dear Messrs. Poulson and LaFollette:

TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO, 86-39

RULE NO, Ind. 201.09(7)

RELATING TO: Variances

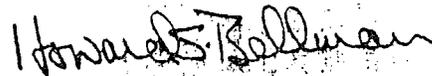
Pursuant to section 227.023, Stats., agencies are required to file a certified copy of every rule adopted by the agency in the offices of the Secretary of State and the Revisor of Statutes.

At this time, the following material is being submitted to you.

1. Order of Adoption.
2. Rules Certificate Form.
3. Rules in Final Draft Form.

Pursuant to section 227.016 (6), Stats., a summary of the final regulatory flexibility analysis is also included.

Respectfully submitted,



Howard S. Bellman
Secretary

cc: Agency Contact Person