

WHICH THE EMPLOYER MUST ADOPT AND USE WHILE THE ORDER IS IN EFFECT AND STATE IN DETAIL THE PROGRAM FOR COMING INTO COMPLIANCE WITH THE RULE, REGULATION OR STANDARD. SUCH A TEMPORARY ORDER MAY BE GRANTED ONLY AFTER NOTICE TO EMPLOYEES AND AN OPPORTUNITY FOR A HEARING UPON REQUEST OF THE EMPLOYER OR ANY AFFECTED EMPLOYEE. THE COMMISSIONER MAY ISSUE ONE INTERIM ORDER TO BE EFFECTIVE UNTIL A DETERMINATION IS MADE OR A DECISION RENDERED IF A HEARING IS REQUESTED. NO TEMPORARY ORDER MAY BE IN EFFECT FOR LONGER THAN THE PERIOD NEEDED BY THE EMPLOYER TO ACHIEVE COMPLIANCE WITH THE RULE, REGULATION OR STANDARD OR ONE YEAR, WHICHEVER IS SHORTER, EXCEPT THAT SUCH ORDER MAY BE RENEWED NOT MORE THAN TWICE, SO LONG AS THE REQUIREMENTS OF THIS SUBSECTION ARE MET AND IF AN APPLICATION FOR RENEWAL IS FILED AT LEAST NINETY DAYS PRIOR TO THE EXPIRATION DATE OF THE ORDER. NO RENEWAL OF A TEMPORARY ORDER MAY REMAIN IN EFFECT FOR LONGER THAN ONE HUNDRED EIGHTY DAYS.

(C) AN APPLICATION FOR A TEMPORARY ORDER UNDER THIS SECTION SHALL CONTAIN:

(1) A SPECIFICATION OF THE RULE, REGULATION OR STANDARD OR PORTION THEREOF FROM WHICH THE EMPLOYER SEEKS A VARIANCE;

(2) A REPRESENTATION BY THE EMPLOYER SUPPORTED BY REPRESENTATIONS FROM QUALIFIED PERSONS HAVING FIRST-HAND KNOWLEDGE OF THE FACTS REPORTED, THAT HE IS UNABLE TO COMPLY WITH THE RULE, REGULATION OR STANDARD OR PORTION THEREOF AND A DETAILED STATEMENT OF THE REASONS THEREFOR;

(3) A STATEMENT OF THE STEPS THE EMPLOYER HAS TAKEN AND WILL TAKE, WITH SPECIFIC DATES, TO PROTECT EMPLOYEES AGAINST THE HAZARD COVERED BY THE RULE, REGULATION OR STANDARD;

(4) A STATEMENT AS TO WHEN THE EMPLOYER EXPECTS TO BE ABLE TO COMPLY WITH THE RULE, REGULATION OR STANDARD OR PORTION THEREOF AND WHAT STEPS HE HAS TAKEN AND WILL TAKE, WITH DATES SPECIFIED, TO COME INTO COMPLIANCE WITH THE RULE, REGULATION OR STANDARD; AND

(5) A CERTIFICATION THAT THE EMPLOYER HAS INFORMED HIS EMPLOYEES OF THE APPLICATION BY GIVING A COPY THEREOF TO THE EMPLOYEES OR THEIR AUTHORIZED REPRESENTATIVE, 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, AND BY OTHER APPROPRIATE MEANS OF NOTIFICATION; THE APPLICATION SHALL SET FORTH THE MANNER IN WHICH THE EMPLOYEES HAVE BEEN NOTIFIED; AND SHALL ALSO ADVISE EMPLOYEES OF THEIR RIGHT TO APPLY TO THE COMMISSIONER TO CONDUCT A HEARING UPON THE APPLICATION FOR A VARIANCE.