

(8) STATE THE MANNER IN WHICH THE EMPLOYER COMPLIED WITH § 5-321(A) OF THIS SUBTITLE; AND

(9) ADVISE EMPLOYEES THAT ANY EMPLOYEE MAY ASK THE COMMISSIONER TO HOLD A HEARING ON THE APPLICATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 89, § 34(c)(1) through (4) and, except as it related to the methods of notice, (5).

In the introductory language of this section, the term "temporary variance" is substituted for the former reference to a "temporary order under this section", for consistency. See the revisor's note to § 5-318 of this subtitle.

In item (2) of this section, the reference to an "individual" is substituted for the former word "persons", since the former reference to representations and the former words "qualified" and "first-hand knowledge" seemed to limit this documentation to a human being. The substituted language is singular, since Art. 1, § 8 of the Code generally makes the singular and plural interchangeable. Therefore, the Labor and Employment Article Review Committee suggests that, if the General Assembly intended to require more than 1 representation, the General Assembly may wish to state a minimum number.

In items (4) and (6) of this section, the reference to a "part" is added to conform to the balance of this section.

In item (4)(ii) of this section, the words "until then" are added to clarify that the steps for compliance during the term of a temporary variance are unnecessary after the applicant complies with the regulation.

The Committee also notes that the Commissioner has regulations specifying information in an application for a temporary variance. See COMAR 09.12.31.06A2. The Commissioner also has adopted regulations to specify the contents of an application for a permanent variance. See COMAR 09.12.31.06C2. The General Assembly may wish to state the basic information to be included in an application for either a temporary or permanent variance and to enable the Commissioner to specify the additional information required for a particular variance.

In this regard, the Committee notes that § 5-325(a)(1)(i) of this subtitle expressly makes submission of an application, in proper form, a requirement for issuance of a temporary variance.

As to the substitution of "regulation" for the former references to a "rule, regulation or standard", see the General Revisor's Note to this subtitle.

Defined terms: "Commissioner" § 5-101

"Employee" § 5-101