

5-321. NOTICE TO EMPLOYEES.

(A) TEMPORARY VARIANCE.

AN APPLICANT FOR A TEMPORARY VARIANCE SHALL:

(1) GIVE A COPY OF THE APPLICATION TO ITS EMPLOYEES OR THEIR AUTHORIZED REPRESENTATIVE;

(2) POST, WHERE NOTICES TO EMPLOYEES NORMALLY ARE POSTED, A STATEMENT THAT SUMMARIZES THE APPLICATION AND SPECIFIES WHERE A COPY OF THE APPLICATION MAY BE EXAMINED; AND

(3) GIVE NOTICE BY USING ANY OTHER APPROPRIATE MEANS.

(B) PERMANENT VARIANCE.

AN APPLICANT FOR A PERMANENT VARIANCE SHALL GIVE EACH EMPLOYEE WHOM THE VARIANCE WOULD AFFECT NOTICE:

(1) OF THE APPLICATION; AND

(2) THAT THE COMMISSIONER SHALL GIVE EACH EMPLOYEE WHOM THE VARIANCE WOULD AFFECT AN OPPORTUNITY TO PARTICIPATE IN A HEARING ON THE APPLICATION.

REVISOR'S NOTE: Subsection (a) of this section is new language derived without substantive change from the fourth sentence of former Art. 89, § 34(b), as that sentence related to notice, and (c)(5), as that item related to the method of notice.

Subsection (b)(1) of this section is new language derived without substantive change from the second sentence of former Art. 89, § 34(a), as that sentence related to notice.

Subsection (b)(2) of this section is new language added to state that which only was implied in the former law. See § 5-104(c) of this title and § 5-322(b) of this subtitle.

The Labor and Employment Article Review Committee notes, for consideration by the General Assembly, that former Art. 89, § 34(a) limited notice of an application for a permanent variance to "[a]ffected employees" while former Art. 89, § 34(b) and (c) referred to notification of "employees" about an application for a temporary variance. This section is revised to preserve the former distinction.

The Committee also notes that former Art. 89, § 34(a) did not specify the manner in which notice about an application for a permanent variance must be given. By regulation, however, the Commissioner has imposed the