

The Labor and Employment Article Review Committee notes, for consideration by the General Assembly, that the regulations of the Commissioner authorize an interim order for a permanent variance. See COMAR 09.12.31.06D.

Defined term: "Commissioner" § 5-101

5-325. ORDER.

(A) PASSAGE.

(1) THE COMMISSIONER SHALL PASS AN ORDER THAT GRANTS AN EMPLOYER A TEMPORARY VARIANCE IF:

(I) THE EMPLOYER SUBMITS AN APPLICATION IN ACCORDANCE WITH §§ 5-319 AND 5-320 OF THIS SUBTITLE;

(II) THE EMPLOYER GIVES NOTICE TO EMPLOYEES IN ACCORDANCE WITH § 5-321(A) OF THIS SUBTITLE;

(III) THE COMMISSIONER HOLDS ANY HEARING REQUIRED UNDER § 5-322(A) OF THIS SUBTITLE; AND

(IV) THE COMMISSIONER DETERMINES THAT THE EMPLOYER HAS MET THE REQUIREMENTS OF § 5-323(A) OF THIS SUBTITLE.

(2) THE COMMISSIONER SHALL PASS AN ORDER THAT GRANTS AN EMPLOYER A PERMANENT VARIANCE IF:

(I) THE EMPLOYER SUBMITS AN APPROPRIATE APPLICATION;

(II) THE EMPLOYER GIVES NOTICE TO EMPLOYEES IN ACCORDANCE WITH § 5-321(B) OF THIS SUBTITLE;

(III) THE COMMISSIONER HOLDS A HEARING AND CONDUCTS AN APPROPRIATE INSPECTION UNDER § 5-322(B) OF THIS SUBTITLE; AND

(IV) THE COMMISSIONER DETERMINES THAT THE EMPLOYER HAS MET THE REQUIREMENTS OF § 5-323(B) OF THIS SUBTITLE.

(B) CONTENTS.

(1) EACH ORDER FOR A TEMPORARY OR PERMANENT VARIANCE SHALL SPECIFY THE CONDITIONS THE EMPLOYER MUST MAINTAIN AND THE MEANS, METHODS, PRACTICES, PROCEDURES, AND OPERATIONS TO THE EXTENT THAT THEY DIFFER FROM THOSE REQUIRED UNDER THE REGULATION OR PART OF A REGULATION FROM WHICH THE VARIANCE IS GRANTED.