

**13 NCAC 07A .0707 VARIANCES AND OTHER RELIEF UNDER SECTION 95-132(A)**

(a) Application for a Temporary Variance. Any employer, or class of employers, desiring a temporary variance from a standard, or portion thereof, authorized by section 95-132 of the Act may file a written application containing the information specified in 29 CFR 1905.10(b) with the Commissioner of the North Carolina Department of Labor, 1101 Mail Service Center, Raleigh, North Carolina 27699-1101.

(b) Interim Order.

- (1) Application. An application may also be made for an interim order to be effective until a decision is rendered on the application for the variance filed previously or concurrently. An application for an interim order may include statements of facts and arguments as to why the order should be granted. The Commissioner may rule ex parte upon the application.
- (2) Notice of Denial of Application. If an application filed pursuant to Subparagraph (1) of this Paragraph is denied, the applicant shall be given prompt notice of the denial, which shall include or be accompanied by, a brief statement of the grounds therefore.
- (3) Notice of the Grant of an Interim Order. If an interim order is granted, a copy of the order shall be served upon the applicant for the order and other parties. It shall be a condition of the order that the affected employer shall give notice thereof to affected employees by the same means to be used to inform them of an application for a variance.

*History Note: Authority G.S. 95-132; 95-136;  
Eff. February 1, 1976;  
Amended Eff. June 8, 1977; September 20, 1976;  
Readopted Eff. September 30, 1977;  
Amended Eff. May 1, 1994;  
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016;  
Amended Eff. January 1, 2020.*