

WAC 296-900-11010 Interim orders.

Definition:

An interim order allows an employer to vary from WISHA requirements until a permanent or temporary variance is granted.

(1) You must request an interim order if alternate methods of protecting employees are needed while waiting for a permanent or temporary variance.

Note: An interim order may be requested at the same time a permanent or temporary variance is requested, or anytime after that.

What to expect from WISHA:

(2) A review of the request for an interim order.

If more information is needed to make a decision, WISHA may:

(a) Contact the employer or others who may have the needed information.

(b) Visit the workplace after contacting the employer to make arrangements.

(c) Deny the request if the employer does not provide information needed to make a decision.

(3) A decision at least twenty-one calendar days from when the request was posted for employees.

The twenty-one-day period allows employees time to request a hearing on your temporary variance renewal. See Variance hearings, WAC 296-900-11025.

(4) A written decision either granting or denying the interim order request.

(a) If granted, the decision will include all of the following:

(i) The requirement for which the interim order applies.

(ii) The locations where the interim order applies.

(iii) What you must do as an alternative means of protecting employees.

(iv) The effective date of the interim order.

(v) An expiration date for the interim order.

(vi) The requirement to post the decision.

(b) If denied, the decision will include:

(i) A brief statement with reasons for the denial.

(ii) The requirement to post the decision.

Note:

1. WISHA's decision to grant or deny an interim order request will not affect the decision on a permanent or temporary variance request.
2. WISHA may choose to issue an interim order in response to a variance request, even when the interim order was not specifically requested.
3. Interim orders are effective until they are revoked, or until the variance request is granted or denied.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. WSR 17-18-075, § 296-900-11010, filed 9/5/17, effective 10/6/17; WSR 06-06-020, § 296-900-11010, filed 2/21/06, effective 6/1/06.]