



EMPLOYMENT STANDARDS VARIANCE APPLICATION

FAX 360 902-5300

Please complete this form in full

WAC 296-126-130 provides that upon written application from an employer, the department may grant a variance from any standard in WAC 296-126 for good cause. *The employer shall give notice to the employees or their representative so that they may submit their written views to the department on any variance request.* The department may afford the applicant and any involved employee, or their representatives, the opportunity for oral presentation whenever circumstances of the particular application warrant such additional procedure.

Good cause" shall mean, but not be limited to, those situations in which the employer finds that his/her circumstance warrants an alternative procedure and where he/she is able to demonstrate to the department that such alternative would not have a harmful effect on the health, safety and welfare of the employees involved.

A **temporary variance** valid for not more than thirty calendar days may be issued by the department for good cause where immediate action is necessary and warranted pending further review by the department.

Notice: No variance is required if either of these conditions apply {RCW 49.12.187}

1. Employers in construction trades with collective bargaining agreements negotiated under the National Labor Relations Act may bargain meal and rest periods that vary from WAC 296-126-092 if the agreement specifically requires rest and meal periods and prescribe requirements concerning those meal and rest periods.
2. Public employers may enter into collective bargaining contracts, labor/management agreements, or other mutually agreed to employment agreements that specifically vary from or supersede, in part or in total, WAC 296-126-092 regarding rest and meal periods.

In order to submit your variance application, you must provide the following information on the L&I Variance Form #F700-089-000:

- Name, address, phone number, UBI number of business.
- E-mail address and fax number optional.
- Section of Employment Standards WAC 296-126 for which variance is requested (for example, WAC 296-126-092 (meal and rest periods).
- The specific proposed alternative for this variance request.
- Good cause (reason) for requested variance.
- Number of employees affected by this variance request.
- For business with no labor organization:** Whether you have notified the employees of this request prior to submitting it and if so, date and process of informing the employees, i.e., memo, e-mail, posting.
- Did you provide the affected workers with contact information to the Department of Labor & Industries to voice concerns or approval of this variance request? Please provide copies of the document advising employees of the intent to submit this variance, and responses from employees with their concerns or in support of this variance.
- For business with labor organization:** Name, address, phone number of labor organization having jurisdiction if any, name and signature of individual from labor organization supporting this request.
- If you are requesting a temporary variance, and if so, the reasons.
- Additional information and comments, if any.
- Title, printed name and signature of employer or other authorized signer.

Additionally:

- Indicate on separate paper or in comment section above whether your business is involved in a lawsuit or if you have been notified of intent of lawsuit to be filed regarding this issue.
- Provide names and addresses of affected employees if there is no labor organization.

Send completed variance request to above address. Employees affected by this variance request may contact the Department by letter at the above address, e-mail, or phone at:
Phone: 360.902.5316
E-mail: ESVariances@lni.wa.gov



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Please complete this form in full

WAC 296-126-130 provides that an employer may be granted a variance from any employment standard for good cause shown by the Department of Labor and Industries in the State of Washington.

In consideration of granting the requested variance, the department will carefully review the application. Opportunity for oral presentation may be extended to the applicant and any involved employees, or their representatives, whenever circumstances warrant such procedure. A temporary variance of not more than 30 calendar days pending further review by the department may be granted upon good cause shown. Good cause shall mean, but not be limited to, circumstances found by the employer that warrants an alternative procedure that does not have a harmful affect on the health, safety or welfare of the employees involved.

Firm name		UBI Number
Telephone Number	FAX Number	Email address (Optional)
Address	City	State ZIP+4

Section of Employment Standards for which variance is requested
 WAC 296-126-

Specific alternative you are proposing

What is the good cause (reason) under which this application is made?

Number of employees involved: (names and addresses may be requested)

For businesses with no labor organization

Did you provide written notice of intent to your employees that you were applying for this variance?
 You must include the L&I contact information in your notice. Attach copy of your notice with this application.

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

For businesses with labor organization

Name of labor organization having jurisdiction		Telephone number
Address of labor organization	City	State ZIP+4
Date	Print name of labor organization official	Signature

Is temporary variance necessary? If yes, for what emergent reasons?

Yes No

Additional information and comments

Date	Title	Print Name	Signature
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A variance may be revoked at any time by the department should circumstances warrant, providing the employer is notified by the department of the termination at least 30 days prior to the effective date.