



New York State Department of Labor

Division of Safety and Health
Engineering Services Unit
State Campus, Building 12
Albany, NY 12240

Submit Application in Triplicate
Complete front and back
Use additional 8 1/2 X 11 sheets,
if necessary

Petition for a Permanent Variance or Alternative Compliance Agreement

Is this application the result of receiving a PESH Notice of Violation?
If yes [] , this is a request for an Alternative Compliance Agreement
If no [] , this is a request for a Permanent Variance

1. Name and address of petitioner Telephone no.
2. Name and address of petitioner's agent, if any Telephone no.
3. Name and address of owner of premises
4. Name of occupant of premises

The petitioner requests the Commissioner of Labor issue a variance from the requirements of the standards, regulations or sections of the Public Employee Safety and Health Act and/or orders of the Commissioner requiring compliance with the standards, regulations or sections of the Act as follows:

5. Standards, regulations or sections of the act
6. Date orders issued, if any
7. Orders issued by:
Inspector/Hygienist ID.

8. Affecting premises known as:
9. Street address of premises

10. These premises are situated on North-East-South-West side of Street-Avenue-Road
(Check one) in the [] City [] Town [] Village of , County of

A. Description of Premises

11. Date building was constructed
12. No. Stories: Front Rear
13. Construction of building is Wood: Non-fireproof; Fireproof;
[] [] (Masonry walls, wood floors and roof) [] (Masonry walls, concrete floors and roof)
14. Size of building: At street level Feet front Feet deep
15. Size of building: At typical floor level Feet front Feet deep
16. Use of each floor and maximum number of persons on each floor are as follows:

Table with columns: Floor, Equipped with Automatic Sprinklers (Yes/No), Use, Occupancy (Present/Proposed, Men/Women)

Complete front and back of all application forms; sign and date all copies submitted

17. Give the item number, abatement date, and standard or its portion from which the employer seeks an Alternative Compliance Agreement. **Attach a copy of the page(s) of the Notice of Violation and Order to Comply which pertain to the variance request.**

18. Write a detailed statement of the reasons the employer cannot comply with the standards. Include an estimate of the cost to comply with the standard.

19. List all steps the employer has taken and will take to protect employees against the hazard covered by the standard. Include a statement showing how the steps taken will provide employment and places of employment to the employees which are as safe and healthful as those which would exist if the standard was complied with.

20. Certification by the employer that employees have been notified of both the employer's variance application and their right to request a hearing. **Attach a copy of notification letter or posting notice, etc.**

21. Submit the name(s), title(s), address(es) and union affiliation(s) of the local employee representative(s) notified.

22. Submit the name(s), title(s), address(es) and union affiliation(s) of the statewide employee representative(s) notified.

23. Name and title of petitioner or agent

Signature

Date
