

APA-1

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control _____ Department or Agency: Dept. of Labor
Rule No. 480-1-2-.01
Rule Title: Petition for Adoption, Amendment, or Repealer of Rules
 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? NO

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? NO

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer Stephen McCormick

Date 6-15-18

(DATE FILED)
(STAMP)

APA-2

Department of
Labor

NOTICE OF INTENDED ACTION

AGENCY NAME: DEPARTMENT OF LABOR

RULE NO. & TITLE: 480-1-2-.01 Petition for Adoption, Amendment, or Repealer of Rules.

INTENDED ACTION: Amendment.

SUBSTANCE OF PROPOSED ACTION: To amend the above section under the Administrative Procedures to update certain obsolete verbiage.

TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested persons may submit data, views, or arguments in writing to Stephen McCormick, Department of Labor, 649 Monroe Street, Montgomery, Alabama 36131 by mail or in person between the hours of 8:00 am and 4:30 pm, Monday through Friday until and including August 06, 2018. Persons wishing to submit data, views or arguments orally should contact Stephen McCormick by telephone at (334) 242-8274 during this period to arrange an appointment.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: August 06, 2018

CONTACT PERSON AT AGENCY:

Stephen McCormick
Department of Labor
649 Monroe Street
Montgomery, AL 36131
Telephone: (334) 242-8274

Stephen McCormick

Stephen McCormick
Director, Governmental Affairs

ALABAMA DEPARTMENT OF LABOR
ADMINISTRATIVE CODE

CHAPTER 480-1-2
ADMINISTRATIVE PROCEDURE

TABLE OF CONTENTS

480-1-2-.01	Petition For Adoption, Amendment Or Repealer Of Rules
480-1-2-.02	Petition For Declaratory Ruling
480-1-2-.03	Methods Of Obtaining Information Or Making Submissions Or Requests
480-1-2-.04	Public Access To Rules, Orders, Etc.
480-1-2-.05	Advance Notice Of Rulemaking Proceedings
480-1-2-.06	Copies Of Records
480-1-2-.07	Notification Of Persons Who May Be Affected By The Adoption Of An Emergency Rule
480-1-2-.08	Subscription To The Alabama Department Of Labor Administrative Code
480-1-2-.09	Rules Omitted From the Alabama Department Of Labor Administrative Code
480-1-2-.10	Delivery Of Notice Of Hearing In Contested Cases
480-1-2-.11	Transcription Of Oral Proceedings In Contested Cases

480-1-2-.01 Petition For Adoption, Amendment Or Repealer Of Rules.

(1) Any interested person may petition the Department of Labor requesting the adoption, amendment or repeal of a rule. "Department" as referred to in these rules shall include all of the Divisions of the Department of Labor, the Board of Examiners and the Board of Appeals.

(2) A petition shall adhere to the form described below. Petitions not in substantial compliance with the prescribed form shall be returned to the petitioner for correction.

(a) The 60 day time limit described in Code of Ala. 1975, §41-22-8 shall start with the receipt of the petition, in proper form, by the Department.

(b) The petition shall be on white paper, 8 1/2" x 11" in size with no reverse side entries. The original and three legible copies shall be filed with the Department.

(c) The petition shall be delivered by personal

service or First Class Mail to the Alabama Department of Labor, ATTN: Administrative Procedure Secretary, Room ~~543 2209~~, ~~Industrial Relations Building~~, 649 Monroe Street, Montgomery, Alabama 361301.

(d) The petition shall be set out in numbered paragraphs as follows:

1. Petitioner's name:
2. The full address of the petitioner:
3. The petitioner's telephone number:
4. Action requested (adoption of the proposed rule, amendment of a rule, or repeal of a rule):

5. (In the case of a petition for adoption)
A concise statement of the proposed rule in rule form:

(In the case of a petition for amendment or repeal) A statement of the rule affected:

6. A statement of the reasons for the above action:

(3) A general statement concerning rules shall not be accepted as a petition for adoption, amendment or repeal of a rule.

(4) More than one petition may be submitted at any given time, but each must conform to the above requirements. No more than one request for either the adoption, amendment or repeal of a single rule shall be contained in each petition.

(5) The Department, upon receipt of a petition, shall take the following action:

1. Receipt of petition shall be recorded;
2. Petitions not in reasonable compliance with this rule shall be promptly returned to the petitioner with modifications or additional information required to make the petition comply with this rule indicated;

3. Receipt of petition shall be acknowledged to the petitioner; and

4. The disposition of petitions for rule making shall be determined by the Department.

(6) The Department, in determining the disposition of the petition, may request written memoranda from personnel within the Department, input from interested persons outside the Department, or an oral presentation by the petitioner elaborating upon the reasons for the requested rule activity. The Department may conduct a hearing in order to receive oral presentations and

evidence.

(7) Within 60 days after submission of a petition, the Department either shall deny the petition in writing on the merits, stating the reasons for the denial, or initiate rule making proceedings in accordance with Code of Ala. 1975, §41-22-5.

Author: W. F. Willett, Jr.; Stephen C. McCormick
Statutory Authority: Code of Ala. 1975, §25-2-8.
History: Amended: Filed June 15, 2018; effective: