

APA-1

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control _____ Department or Agency: Dept. of Labor

Rule No. 480-1-4-.03

Rule Title: Duties and Disqualifications of Hearing Officers.

_____ New 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)

Department of
Labor

NOTICE OF INTENDED ACTION

AGENCY NAME: DEPARTMENT OF LABOR

RULE NO. & TITLE: 480-1-4-.03 Duties and Disqualifications of Hearing Officers.

INTENDED ACTION: Amendment.

SUBSTANCE OF PROPOSED ACTION: To amend the above section under the Hearings and Appeals Chapter 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 480-1-4
HEARINGS AND APPEALS

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480-1-4-.03 Duties And Disqualifications Of Hearing Officers.

(1) Duties. A Hearing Officer shall perform all duties generally required of an administrative hearings officer incidental to the conducting of assigned hearings and issuing decisions thereon.

(2) Disqualifications. No Hearing Officer shall perform duties relative to the conduct of hearings or making any decisions and shall withdraw from those cases where:

(a) The Hearing Officer has had any direct participation in the decision appealed from.

(b) The Hearing Officer has personal knowledge of disputed evidentiary facts concerning the proceeding.

(c) The Hearing Officer, spouse, or minor child or any person directly related to either has a pecuniary interest in the outcome of the proceeding.

(d) The Hearing Officer or spouse is directly related to a party to the proceeding or an officer, director or trustee of a party to the proceeding, or the representative of any party.

(e) The Hearing Officer, spouse or any person directly related to either is likely to be a witness in the proceeding.

(f) The Hearing Officer has any other bias, interest or prejudice which would impair an impartial hearing and

decision.

(3) Motions for Disqualification. Interested parties to a proceeding may challenge the partiality, bias, interest or prejudice of the Hearing Officer. Such a challenge shall be made by a motion for disqualification. Such a motion shall be supported by appropriate affidavits asserting the basis for disqualification. The motion may be ruled upon ex parte by the Hearing Officer or by the Chief Director of the ~~Division of~~ Hearings and Appeals Division or his/her designee or in the alternative, a hearing may be scheduled upon the motion. Notice of a ruling on the motion shall be given to the parties at interest. Disqualification shall not occur unless partiality, bias, interest or prejudice is affirmatively shown.

Authors: George Cocoris, C. Lamon Till, Venessa Watkins

Statutory Authority: Code of Ala. 1975, §25-2-8.

History: Effective September 30, 1992. **Amended:** Filed: June 15, 2018; effective