

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. _____ Department or Agency: Department of Labor
Rule No. 480-3-7-.01
Rule Title: Examination Requirement
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 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 Reference Service.

Signature of certifying officer _____

Date September 17, 2015

(DATE FILED)
(STAMP)

Department of
Labor

NOTICE OF INTENDED ACTION

AGENCY NAME: DEPARTMENT OF LABOR

RULE NO. & TITLE: 480-3-7-.01 EXAMINATION REQUIREMENTS

INTENDED ACTION: amended rule

SUBSTANCE OF PROPOSED ACTION: The adoption is necessary to meet the changes set forth by the Board of Mine Examiners. This change removes the requirement to retake the fireboss test once the applicant has already successfully passed this test.

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 November 09, 2015. 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: November 09, 2015.

CONTACT PERSON AT AGENCY:

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

Stephen McCormick
Director, Governmental Affairs

ALABAMA DEPARTMENT OF LABOR
ADMINISTRATIVE CODE

CHAPTER 480-3-7
BOARD OF EXAMINERS

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480-3-7-.01 EXAMINATION REQUIREMENTS.

(1) If you wish to stand the examination for mine foreman certificate or Fire Boss Certificate before the Board of Examiners, you must have your affidavit and fee in this office (11 west Oxmoor Road Suite 201 Birmingham, Alabama 35209) thirty (30) days prior to the examination date. Affidavits will not be accepted after [the above deadline]. Affidavits may be obtained from your class instructor or from this office on request.

(2) An applicant with a State of Alabama fireboss certificate of competency with sufficient underground mining experience to qualify for a mine foreman certificate shall apply to the Board of Examiners at least 30 days before the scheduled test date. Applicant shall be required to appear before the Board of Examiners with a completed affidavit. The interview shall consist of oral questions regarding the duties and responsibilities of a mine foreman. The Applicant will not be required to retake mine foreman/fireboss test with a majority vote from the Board of Examiners. Without a majority vote from the Board of Examiners, the applicant shall have the opportunity to take the mine foreman/fireboss test to receive a mine foreman certificate of competency.

Author: Michael Skates; Brian Wittwer

Statutory Authority: Code of Alabama, 1975, §25-9-10, §25-9-11.

History: Effective: 9/30/82. Amended: Filed November 1, 2011;
Effective December 6, 2011. Amended: Filed September 09, 2015.