

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. _____ Department or Agency: Department of Labor

Rule No. 480-4-3-.17

Rule Title: Appeals

_____ 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 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 _____ /s Stephen McCormick _____

Date 8-21-13

(DATE FILED)
(STAMP)

APA-2
07/04

Department of
Labor

NOTICE OF INTENDED ACTION

AGENCY NAME: DEPARTMENT OF LABOR

RULE NO. & TITLE: 480-4-3-.17 Appeals

INTENDED ACTION: Amendment.

SUBSTANCE OF PROPOSED ACTION: The amendment deletes the provisions for filing an in person appeal due to the closure of all local unemployment compensation offices.

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 October 07, 2013. 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: October 07, 2013

CONTACT PERSON AT AGENCY:

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

_____/s Stephen McCormick_____
Stephen McCormick
Director, Governmental Affairs

**ALABAMA DEPARTMENT OF LABOR
ELEVATOR SAFETY RULES
ADMINISTRATIVE CODE**

**CHAPTER 480-4-3
BENEFITS**

480-4-3-.17 Appeals.

(1) Code of Ala. 1975, §25-4-92(d), provides that notification be provided promptly to the claimant and the claimant's last employing unit of any determination or decision upon an initial claim. This notice may be delivered in person or mailed, first class postage prepaid to the last known address of any parties involved.

(a) Notice of payment shall be provided to base period employers in accordance with Code of Ala. 1975, §25-4-91(d)(2).

(2) Any party to whom notice of determination or decision is required to be given shall have the right to appeal from such determination or decision.

(3) A notice of appeal from a decision of a claims examiner shall be filed ~~at the local unemployment compensation office where the claim was filed or~~ directly to the Department of ~~Industrial Relations~~ Labor, Unemployment Compensation Agency Hearings and Appeals Division, 649 Monroe Street Montgomery, Alabama 36131. This notice shall be in writing, ~~preferably on the form designated for that purpose,~~ and shall include the claimant's or employer's name, address, the claimant's social security number, and shall state the grounds upon which review is sought.

(a) The notice of appeal must be filed within seven (7) calendar days after personal delivery of the notice of determination or decision or fifteen (15) calendar days after such notice was mailed in accordance with paragraph (1) of this rule. Receipt of the appeal by the Agency within the above prescribed times shall constitute filing.

(4) The proceedings shall be scheduled, conducted and heard in accordance with rules 480-1-4-.05 through 480-1-4-.13.

Author: Hoyt Russell, Director, Unemployment Compensation Division
Statutory Authority: Code of Ala. 1975, §§25-2-7, 25-2-8, 25-4-111.

History: Filed August 31, 2013.