

APA-1

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control _____ Department or Agency: Dept. of Labor

Rule No. 480-1-2-.06

Rule Title: Copies of Records- Release of Information From Departmental Files

_____ 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-.06 Copies of Records- Release of
Information From Departmental Files

INTENDED ACTION: Amendment.

SUBSTANCE OF PROPOSED ACTION: To amend the above section under the
Administrative Procedure 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
Director, Governmental Affairs

ALABAMA DEPARTMENT OF LABOR
ADMINISTRATIVE CODE

CHAPTER 480-1-2
ADMINISTRATIVE PROCEDURE

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480-1-2-.06	<u>Copies Of Records - Release Of Information From Departmental Files.</u>

(1) Copies of departmental records and information from departmental files shall be provided to a party requesting same at cost providing that such party has a legal right to the records or information.

(2) The cost shall include all expenses relating to the providing of such copies or information, including but not limited to, the cost of records identification and search, copying labor, machine time, expendable supplies, and computer time.

(a) An estimated cost shall be quoted, upon request, prior to any action being taken.

(b) Financial arrangements, which may include a formal agreement or contract, shall be made in advance.

(c) Failure on the part of a requestor to act

according to (2)(a) and (2)(b) above, shall be interpreted as full knowledge of, and commitment to pay, all costs associated with the request.

(3) It is the intent of this paragraph to assist a requestor in minimizing the cost of obtaining needed records or information and to familiarize a requestor with relevant departmental procedures. Costs may be minimized by specifying with maximum particularity the records required. If a requestor is not familiar with the departmental procedures, records, files structure, file media and retrieval methods, it is suggested that contact be made with the Department of Labor, ATTN: Administrative Procedure Secretary, Room ~~543~~ 2209, ~~Industrial Relations Building~~, Montgomery, Alabama 361301, Telephone: (205)~~334~~ 242-8970 274, to discuss the nature and use of the information needed and to determine the least costly method and appropriate procedures of obtaining it. The following relevant facts should be noted:

1. In many cases computerized summaries of information ~~are~~ is available at a lower cost than copies of the original documents.

2. Requests for selected computerized information which is not normally available will result in significant expense for computer programming and run time.

3. Requests for computerized information which is periodically produced in the regular course of business will be less expensive than the same information produced in a special ~~run~~ request to meet a ~~request~~ or deadline or requirement.

4. ~~Where records are retained only on microfilm, such as computer output microfiche or updatable unitized film media (microjackets), it will be less expensive to accept a film copy of the media than to require a photocopy of each frame or page.~~

~~5~~ 4. Where the record requested is a voice recording which has not previously been transcribed, it will be less expensive to listen to the recording and take notes or to purchase a copy of the recording than to request that a transcription be made.

~~6~~ 5. Ample time should be allowed for filling a request. In order for the Department to meet a deadline it may be necessary to incur costs for overtime pay which would be included in the charge to the requestor. In this regard it should be noted that the filling of such requests must be accomplished within the framework of departmental work priorities.

~~7~~ 6. A charge is now made, in many cases, for records or information which was previously provided at no charge. In such cases, the charging of fees to recover costs is mandated by

rule or law and cannot be waived. A potential requestor should inquire as to the applicability of charges.

§ 7. Volume, frequency, format, turn-around requirements and the existence of an agreement or contract may significantly affect costs.

§ 8. Notarized releases are required, in most cases, before records or information can be released.

Author: W. F. Willett, Jr.; Brent Langley; Stephen C. McCormick

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

History: Filed December 17, 1985. **Amended:** Filed June 15, 2018; effective