

CONCISE EXPLANATORY STATEMENT

In accordance with the Administrative Procedures Act, R.I. Gen. Laws § 42-35-2.6, following is a concise explanatory statement:

AGENCY: Commission for Human Rights

DIVISION: *(If any)*

RULE IDENTIFIER: 515-RICR-10-00-2

RULE TITLE: Procedure.

REASON FOR RULEMAKING: Statutorily mandated amendment of existing regulations.

ANY FINDING REQUIRED BY LAW AS A PREREQUISITE TO THE EFFECTIVENESS OF THE RULE: None

TESTIMONY AND COMMENTS: Two comments were made to the proposed Rule:

1. One comment restored accidentally deleted editing references.
2. One comment suggested addition of “the Commission may” into Rule 2.11 B, between “good cause shown” and “decide the motion” in the last sentence.

CHANGE TO TEXT OF THE RULE: The second comment was accepted as it clarified existing procedure. Rule 2.11 B now reads as follows:

B. 9.02 Motions to Dismiss. In order to preserve ~~his/her~~ their right to make a motion to dismiss the complaint at the hearing on the complaint, a party must file the motion to dismiss with the Commission and serve a copy of the motion upon all other parties not later than ~~40~~ thirty (30) days before the date of the hearing. If a motion to dismiss is filed ~~later~~ less than ~~thirty (30)~~ 40-30 days prior to a hearing, the hearing officer ~~hearing examiner or Commission member or members hearing the case,~~ may in their discretion waive the timeliness requirement for good cause shown and the Commission may decide the motion after evidence has been presented or refuse to consider the motion.

REGULATORY ANALYSIS: The amendments of the attached Rule should not increase any costs to the public as the amendments are proposed to streamline and clarify procedures before the Commission. There are no filing fees or other costs associated with the amendments. By consolidating the definitions formerly in this Rule into another Rule, it will be easier for the public to navigate the Rules. There were no other reasonable alternatives to the proposed Rules as the Commission must comply with existing state law and this Rule clarifies existing procedures under those laws. Any confusing language was removed to simplify the terms of the Rule. The only overlap between this Rule and that of any other state agency deals with the joint jurisdiction over investigation of violations of Ban the Box legislation (shared with the Department of Labor and Training).