

**465-RICR-10-00-4**

## **TITLE 465 - RHODE ISLAND STATE LABOR RELATIONS BOARD**

### **CHAPTER 10 - GENERAL RULES AND REGULATIONS**

#### **SUBCHAPTER 00 N/A**

#### **PART 4 – Procedures for Conduct of Public Hearings**

#### **4.1 Authority**

This regulation is promulgated pursuant to the authority granted in R.I. Gen. Laws § 42-35-2(a)(4).

#### **4.2 Definitions**

A. As used in this regulation, the following terms shall be defined as hereinafter set forth:

1. “Member of the Public” means any individual, firm, business, corporation, association, partnership or other group.
2. “Presiding Board Official” means the RI State Labor Relations Board employee conducting the public hearing.
3. “Proposed Rulemaking” means a proposed new rule, proposed amendment to a rule, or proposed repeal of a rule as noticed pursuant to R.I. Gen. Laws § 42-35-2.7.
4. “Public Hearing” means the convening of members of the public and agency personnel for the purpose of obtaining public comment on a proposed rulemaking.

#### **4.3 Public Participation**

A. Convening of Public Hearing

1. Public hearings may be held at the election of the Board or as required pursuant to R.I. Gen. Laws § 42-35-2.8(c).
2. Notice of public hearings shall be issued in accordance with the provisions of R.I. Gen. Laws §§ 42-35-2.8 and 42-46-6.

B. Testimony

1. Oral Testimony
    - a. Members of the public may make oral testimony during the public hearing.
    - b. Members of the public who wish to make oral testimony during the meeting must put their name on the speaker list.
    - c. Members of the public will be called to testify in the order for which their names appear on the speaker list.
  2. Written Testimony
    - a. Written testimony must be submitted in accordance with § 4.4(B) of this Part.
- C. Disruptive Conduct
1. Members of the public attending the public hearing shall not interrupt or distract from the testimony of other members of the public or from the ability of the presiding Board official to conduct the public hearing.
- D. Rulemaking Record
1. Transcription
    - a. The public hearing shall be transcribed by a stenographer.
    - b. For public hearings, any official transcript prepared by a Board official, shall be made part of the rulemaking record in accordance with R.I. Gen. Laws § 42-35-2.3(b)(5).

#### **4.4 Rule Making Initiated by the Board**

- A. The Board shall adopt, amend, or repeal rules pursuant to R.I. Gen. Laws Chapter 42-35.
1. The Board may review its Rules and Regulations, as necessary, or on an annual basis, with any changes to take effect on January 1st of each year.
- B. Rule Making Initiated by Petition of Interested Party
1. Any interested person may petition the Board, requesting the promulgation, amendment, or repeal of any rule. A separate form shall be required for each section of the Rules and Regulations that a party(s) request(s) be promulgated, amended, or repealed. In the case of

promulgation, the requesting party shall be required to include a proposed section number. The Request to Promulgate, Amend, or Repeal forms may be obtained on the Board's website at [www.rislrb.ri.gov](http://www.rislrb.ri.gov). All forms shall be submitted as an original, signed in blue ink, in accordance with § 1.5 of this Subchapter.

2. No petition shall be accepted by the Board's staff for consideration unless the same has been fully completed. Once the staff determines that the petition is complete, the staff shall certify the date of completeness and shall, thereafter, schedule the matter for the Board's next regularly scheduled monthly Board meeting. The Board shall either deny the petition, in writing, (stating its reasons for the denial), or initiate rule-making proceedings in accordance with § 4.4(A)(1) of this Part.
3. Any request from the general public to promulgate, amend, or repeal any rule, shall be submitted by July 31st of each year in order to be considered for the Board's annual review. Any request received after July 31st may be held for review until the following calendar year if there is insufficient time for the requested promulgation, amendment, or repeal to be processed within the timeframe as outlined in § 4.4(A)(1) of this Part.

C. Request for Declaratory Ruling

1. Any interested person may file a request for a declaratory ruling, as to the applicability of any statutory provision or of any rule or order of the Board. The Board's ruling on such requests shall have the same status as the Board's ruling in contested cases.
2. The petitioner shall submit a legal memorandum, which fully sets forth the reasons supporting its position.

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Editorial Note: This Part was filed with the Department of State prior to the launch of the Rhode Island Code of Regulations. As a result, this digital copy is presented solely as a reference tool. To obtain a certified copy of this Part, contact the Administrative Records Office at (401) 222-2473.