

465-RICR-10-00-3

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

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

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

PART 3 – Public Records

#### **3.1 Authority**

This regulation is promulgated pursuant to the authority granted in R.I. Gen. Laws Chapter 38-2.

#### **3.2 Record of Proceedings Before the Board - Representation Cases**

The record of the proceedings before the Board in representation cases shall consist of the petition or amended petition, notices of hearing, notices of argument, motions, orders, stipulations, stenographic report, exhibits, decision and direction of election, report upon secret ballot, certificate of fairness, objections thereto, certification of representatives, dismissal, or decision and order.

#### **3.3 Record of Proceedings Before the Board - Unit Clarification Cases**

The record of the proceedings before the Board in unit clarification cases shall consist of the petition or amended petition and attachments, notices of hearing, investigator's report, responses of parties to investigator's report, notices of argument, motions, orders, stipulations, stenographic report, exhibits, dismissal, or decision and order.

#### **3.4 Record of Proceedings Before the Board - Unfair Labor Practice Cases**

- A. The record of the proceedings before the Board in unfair labor practice cases shall commence with the issuance of the complaint by the Board. The record may consist of the Board's complaint, the pleadings, notices of hearing, notices of argument, motions, orders, stenographic report, exhibits, depositions, findings of fact, conclusions of law, and the decision and order.
- B. Upon review of the investigatory process involved in an unfair labor practice charge, for which a determination has been made by said Board that the charge should be administratively dismissed and that no complaint shall issue, the unfair labor practice charge shall not be deemed a public record.

- C. If an unfair labor practice proceeding is predicated, in whole or in part, upon a prior representation proceeding, the record of such prior representation proceeding shall be deemed a part of the record in the unfair labor practice proceeding for all purposes.

### **3.5 Access to Public Records**

- A. The record as defined in §§ 3.2 through 3.4 of this Part, shall constitute the public record of the case and shall be made available for inspection or copying under the following conditions; provided, however, nothing contained herein, shall be deemed to exempt from disclosure any other records from the case that are “public records” under the Access to Public Records Act.
- B. In order to ensure that a party is provided with the public records they seek in an expeditious manner, it is recommended that the request be submitted in writing, specifically stating the documents required. All requests must be made at least ten (10) business days prior to the date of the inspection. If the record requested is in active use, or in storage, and therefore, not available at the time the requester seeks access, the Board’s Administrator shall so inform the requester and make an appointment at a time, as soon as possible, for the requester to examine said documents.
- C. The Administrator or its Agent of the Board, pursuant to R.I. Gen. Laws § 38-2-7 - Public Records Act, may deny a request for documents, pursuant to the lawful exemptions enumerated under R.I. Gen. Laws § 38-2-2(4). Any party denied the right to inspect a record of the Board may petition the Board for a review of the denial. The Board shall make a final determination whether or not to allow public inspection within ten (10) business days after the submission of the request to review the denial.
- D. If the Board upholds the decision to deny the request to review documents, the requester may file a complaint with the Attorney General.
- E. Any request for copies, identified with specificity, either after inspection of documents, or without inspection, must be made to the Board’s Administrator or its Agent.
- F. If the request for documents is not denied, the Board’s staff may, if requested by the party, provide an estimate of the costs for the requested documents, prior to providing said copies. Upon approval by the requester, the Board shall then provide the requested documents to the requester, together with its invoice for the same, if applicable.
- G. The Board may charge a reasonable fee for the search and retrieval of documents. Hourly costs for such a search and retrieval shall not exceed fifteen dollars (\$15.00) per hour, and no costs shall be charged for the first hour of a search or retrieval. The Board shall be permitted to charge a fee not exceeding

fifteen cents (\$.15) per copy. Payment may be made only by check or money order, made payable to the General Treasurer – State of Rhode Island; cash will not be accepted.

- H. Written requests for records or other information may be submitted through the electronic document management system (e-filing), electronic mail (e-mail) to [rslrb.web@rslrb.ri.gov](mailto:rslrb.web@rslrb.ri.gov), by facsimile (fax) at 401-462-8776, or by mail, Attention: Administrator, Rhode Island State Labor Relations Board, 1511 Pontiac Avenue, Building #73, 2nd Floor, Cranston, Rhode Island 02920.

### **3.6 Records Retention Schedule; Disposition Schedule**

- A. R.I. Gen. Laws § 38-3 - Public Records Administration Act.
  - 1. The Board's Records Retention/Disposition Schedule was initially approved in January 2001. The Records Retention/Disposition Schedule is indexed within the Department of Labor and Training and is indexed as DLT 1.4.1 through DLT 1.4.4 within the Secretary of State's website at [www.sos.ri.gov](http://www.sos.ri.gov). The Board shall periodically review its records control schedule for any necessary changes.

### **3.7 Record of Votes**

- A. The approved minutes with a record of all votes taken at all meetings of the Board, listing how each member voted on each issue, shall be a public record and shall be available to the public at the principal office of the Board and on the Board's website at [www.rslrb.ri.gov](http://www.rslrb.ri.gov), as well as published on the Secretary of State's website, within two (2) weeks of the date of the vote. The drafted minutes shall be available to the public, at the principal office of the Board and on the Board's website at [www.rslrb.ri.gov](http://www.rslrb.ri.gov), as well as published on the Secretary of State's website, within thirty-five (35) days of the meeting or at the next regularly scheduled monthly Board meeting, whichever is earlier; except where disclosure would be inconsistent with law or where the Board, by majority vote, extends the time for filing of the minutes, and publicly states the reason.
- B. The minutes of a closed session shall be made available at the next regularly scheduled meeting; unless a majority of the body votes to keep the minutes closed pursuant to R.I. Gen. Laws §§ 42-46-4 and 42-46-5.