

Rhode Island's Administrative Hearing Processes: Issues and Findings

Report to Governor Lincoln D. Chafee and the Rhode Island
General Assembly
Submitted January 7, 2014

Rhode Island Office of Management and Budget

Department of Administration, One Capitol Hill, Providence, RI 02908

401-574-8430

ABSTRACT

This report provides an overview of administrative hearing processes across Rhode Island state government.

TABLE OF CONTENTS

Executive Summary	4
Introduction	5
Notes on the Review Process	6
Rhode Island’s Administrative Hearing Processes	7
Total Number of Administrative Hearings.....	8
Types of Administrative Hearings.....	10
Agencies with No Administrative Hearing Authority	12
Time-frame for Adjudication	14
Personnel Needs for Administrative Hearings	15
Personnel Performing Hearing Duties	17
Required Expertise.....	18
Challenges with Current Administrative Hearing Processes	19
Best Practices From Other States	19
Next Steps	21
Appendix A: Text of Legislation Requiring Assessment	22
Appendix B: Agency Administrative Hearing Assessment Template	26
Appendix C: Common Acronyms Used in This Report	27
Appendix D: Hearing Authority Data Provided to OMB by Agencies	28

Index of Tables and Figures

Table 1: Average Number of Hearings in FY 2011 through FY 2013.....	8
Table 2: Total Number of Hearings in FY 2011 through FY 2013.....	9
Table 3: Types of Administrative Hearings	11
Table 4: Agencies and Divisions with No Administrative Hearing Authority.....	13
Table 5: Average Time-frame for Adjudication.....	14
Table 6: Estimated FTE Positions Used for Administrative Hearings.....	15
Table 7: Average Number of Hearings, Longest Adjudcation Time-frame, and FTEs.....	16
Table 8: States Categorized by Hearing Process.....	20
Figure A: Percentage of Hearings of State Agencies.....	10
Figure B: Number of People Performing Administrative Hearing Duties by Salary Range.....	17

EXECUTIVE SUMMARY

Currently, administrative hearing functions are conducted by seventeen (17) agencies in Rhode Island state government. Hearing officers, who also are employees of the agency, are assigned to cases where they issue hearing notices to involved parties, review written evidence, call expert witnesses, and make factual determinations based on the information presented in the hearing. Final decisions receive sign off by the agency director.

During the 2013 Legislative Session, the General Assembly approved and Governor Lincoln D. Chafee signed into law a measure that required the Department of Administration to conduct an assessment of the administrative hearing processes across state government. According to the statute, the intent of this study is “to assess, standardize, and create efficiency and fairness in the administrative hearing process in state agencies.”

This assessment provides agency-specific information regarding the number and types of hearings conducted by each agency, the average length of time to resolve disputes, and the number and types of agency personnel conducting administrative hearings. Highlights include:

- There were 11,684 administrative hearings conducted in fiscal year (FY) 2011;
- There were 12,048 hearings conducted in FY 2012;
- There were 11,015 hearings conducted in FY 2013; and
- Agencies reported that 187.6 full time equivalent (FTE) positions presided over those hearings.

Fair, orderly, and impartial hearings are the standard for administrative hearings to address a range of issues, including license approvals or denials, rate changes, and labor grievances. With each state agency conducting its own hearings, it makes it increasingly difficult to ensure reliable standards and expectations when entering into the state’s administrative hearing process. This decentralized system lacks consistency.

A centralized hearing agency could standardize the state’s administrative hearing process, reduce confusion, improve efficiency by narrowing the scope of state personnel to administrative hearing duties only, and increase trust and transparency in the state hearing process.

This report reviews the information submitted by state agencies, including the types of hearings adjudicated in Rhode Island state agencies, statutory and regulatory administrative hearing authority, and expertise and personnel needed to conduct those hearings. The report also provides information on the best practices for administrative hearing processes in other states. Finally, the report recommends next steps to improve the state’s administrative hearing process.

INTRODUCTION

In the 2013 Legislative Session, the General Assembly approved and Governor Lincoln D. Chafee signed into law a bill that required the Department of Administration (DOA), with assistance from the Office of Management and Budget (OMB) and the Personnel Administrator, to conduct an assessment of the administrative hearing processes across state government. House Bill 5159, Substitute A, and Senate Bill 82, Substitute A, stated that the intent of the study is “to assess, standardize, and create efficiency and fairness in the administrative hearing process in state agencies.”

The assessment required each state agency to provide the following information for the study:

- 1) A complete list of the types of administrative hearings performed on behalf of the agency, including a description of the type of hearing, expertise that may be required, and statutory authority for conducting such a hearing;
- 2) The number of hearings listed by each type of hearing as described in subdivision (1) performed by each agency in each fiscal year for the past three (3) fiscal years ending June 30, 2013, along with the average time-frame for each type of matter to be adjudicated;
- 3) The agency rules or regulations governing any such administrative hearings;
- 4) A complete list of personnel by name, title, grade, division of agency, and total rate of salary, who conduct agency administrative hearings, including the type of hearing performed by each individual, along with the percentage of the person’s time spent on administrative hearing duties as a full-time equivalent;
- 5) A complete list of all agency positions with name, title, division, and total rate of salary of each position, that include administrative hearing duties in either the job title or job descriptions;
- 6) A complete list of vacancies that have administrative hearing duties in the job title [and] job description; and
- 7) The total number, as a full-time equivalent, performing all administrative hearings for the agency.

The bill specifically exempted administrative hearings conducted by unpaid boards, committees, or commissions. The General Offices were also excluded from this review. The full text of legislation appears in Appendix A.

Each state agency received a template asking for the following details to satisfy the legislation's requirements:

- A complete list of the types of administrative hearings performed on behalf of the agency;
- Expertise that may be required to conduct the hearings;
- The statutory authority and agency rules or regulations for conducting such hearings;
- The number of hearings conducted in the last three fiscal years (FY);
- The average time-frame for adjudication for each type of hearing;
- A complete list of personnel who conduct administrative hearings, including: name, title, agency division, pay grade, and salary; the types of hearings the person conducts; and the percentage of the person's time spent on administrative hearing duties;
- A complete list of vacancies for positions that conduct administrative hearings; and
- The total number, as a full-time equivalent, performing all administrative hearings.

The assessment template and a compilation of responses submitted to OMB from agencies with administrative hearing authority appear in Appendices B and D, respectively.

Notes on the Review Process

This review of statewide administrative hearing processes is the first formal assessment of its kind in Rhode Island. Agencies answered questions differently, which affected data quality, and not all data requested was submitted. For example, while most agencies track the number of hearings per year, the data for the type of hearing was not readily available. Generally, the hearing numbers reported reflected the number of hearings scheduled and held, but some contested cases were resolved prior to the issuance of a proposed decision and it is unclear whether settlements were accounted for by every agency. Any future assessments would work to improve the quality of the data.

RHODE ISLAND'S ADMINISTRATIVE HEARING PROCESSES

In Rhode Island, seventeen (17) state agencies hold its own administrative hearings for contested cases. The hearings cover a range of issues, including:

- Various license approvals or denials;
- Rate making;
- Rulemaking;
- Grievances; and
- Agency-specific programs and services.

Hearing officers are authorized by law or designated by the agency director to conduct hearings, review written evidence, call expert witnesses, and make factual recommendations through a written decision. Support staff research and interpret laws, regulations, agency policies, and contracts, and prepare material for review during hearings. Support staff and hearing officers provide testimony on behalf of the department as they are conducting hearings. Agency directors approve or reject hearing officers' decisions at the conclusion of the hearing process.

Seventeen (17) state agencies have administrative hearing authority and hold hearings for contested cases. Administrative hearings are held by the Department of Administration (DOA) Office of Personnel Administration for two state agencies, the Rhode Island Department of Corrections and the Rhode Island Department of Transportation.

Not every division within each agency has administrative hearing authority. For example, in DOA, the Divisions of Facility Management, Library and Information Services, Worker's Compensation, and Building Code do not have administrative hearing authority. However, the Offices of Personnel Administration, Minority Business Enterprise, and the Contractors' Registration and Licensing Board within DOA do have administrative hearing authority.

Additionally, across state government, there are two consolidated divisions of administrative adjudication. Created in 1980, the Administrator of Adjudication housed in DOA has the statutory authority to hear all appeals from decisions of the personnel administrator as well as other appeal requests provided by statute or authorized by the director of DOA (*See Rhode Island General Laws 36-4-40.1*). Established in 1989, the Administrative Adjudication Division in the Department of Environmental Management (DEM) is authorized to hear any contested environmental enforcement, licenses, and other enforcement proceedings (*See Rhode Island General Laws 42-17.7-2*). These divisions within DOA and DEM help reduce delays in adjudicating the departments' enforcement actions and appeals.

Total Number of Administrative Hearings

State agencies were asked to report the number of hearings conducted in the last three fiscal years. There were 11,684 administrative hearings conducted across state agencies in FY 2011; 12,048 hearings were conducted in FY 2012; and 11,015 hearings were conducted in FY 2013. The average number of hearings during that time period was 11,582. Table 1 below shows the average number of hearings statewide during the last three fiscal years. Table 2 on the following page shows the number of hearings as reported by each agency.

Table 1: Average Number of Hearings in FY 2011 through FY 2013

Average Number of Hearings		Percent Change
FY 2011	11,684	--
FY 2012	12,048	3.1
FY 2013	11,015	(8.6)
TOTAL AVERAGE	11,582	--

Six agencies reported fewer than ten (10) hearings during that time period: Coastal Resources Management Council (CRMC); DEM; Office of Higher Education (OHE); Office of Health Insurance Commissioner (OHIC); Rhode Island Economic Development Corporation (RIEDC); and the Rhode Island State Council on the Arts (RISCA). It should be noted that RISCA reported it has not conducted hearings during the last three fiscal years.

Table 2: Total Number of Hearings in FY 2011 through FY 2013

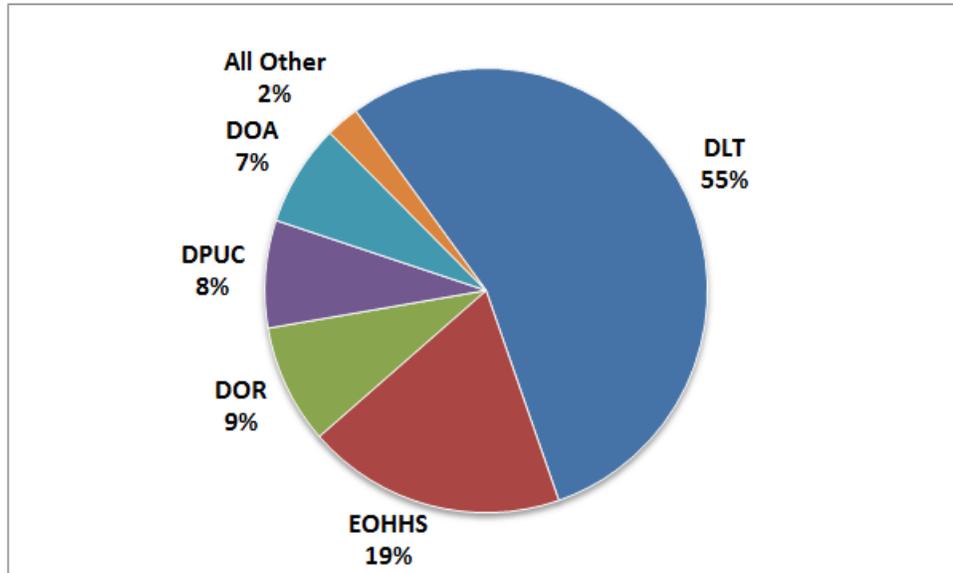
Agency Name	Number of Hearings FY 2011	Number of Hearings FY 2012	Number of Hearings FY 2013	Average Number of Hearings	Percentage of Total Average Hearings
Labor and Training, Department of	6,333	6,850	5,820	6,334	54.7%
Executive Office of Health and Human Services	2,171	2,155	2,230	2,185	18.9%
Revenue, Department of	1,074	975	979	1,009	8.7%
Public Utilities and Carriers, Division of Public Utilities Commission	948	906	876	910	7.9%
Administration, Department of	878	854	852	861	7.4%
Business Regulation, Department of	134	98	66	99	0.9%
Housing and Mortgage Finance Corporation (RIHMFC)	46	29	47	41	0.4%
Public Transit Authority (RIPTA)	11	71	39	40	0.4%
Education, Department of	39	42	33	38	0.3%
Public Utilities Commission	28	31	35	31	0.3%
Public Safety, Department of	3	14	17	11	0.1%
Coastal Resources Management Council	4	11	10	8	0.1%
Environmental Management, Department of	6	6	5	6	0.1%
Higher Education, Office of	7	5	4	5	0.0%
Health Insurance Commissioner, Office of	1	1	1	1	0.0%
Economic Development Corporation	1	0	1	1	0.0%
TOTAL	11,684	12,048	11,015	11,582	100%

As Table 2 shows and Figure A further illustrates below, five state agencies reported the highest number of hearings in the last three fiscal years:

- The Department of Labor and Training (DLT), with an average 6,334 hearings;
- The Executive Office of Health and Human Services (EOHHS), with an average 2,185 hearings;

- The Department of Revenue (DOR), with an average 1,009 hearings;
- The Division of Public Utilities Commission (DPUC), with an average 910 hearings; and
- The Department of Administration (DOA), with an average 861 hearings.

Figure A: Percentage of Hearings of State Agencies



Types of Administrative Hearings

Across state government, agencies reported thirty-seven (37) distinct types of hearings. Several types of hearings are consistent across agencies, such as rules and regulations hearings, licensing hearings, and employee grievance and pre-disciplinary hearings. Table 3 on the following page lists the types of hearings as reported by state agencies within nine categories. The categories are:

- Personnel Matters;
- Labor Matters;
- Energy/Environmental Matters;
- Construction Matters
- Revenue and Taxation Matters;
- Utility-related Matters
- Education Matters
- Business- and License-related Matters; and
- Programmatic Matters.

Table 3: Types of Administrative Hearings

Category	Hearing Types
Personnel Matters	Arbitration Desk Audits and Exam Appeals Employee Claims Employee Disciplinary Grievance Pre-disciplinary
Labor Matters	Labor Standards Prevailing Wage Sunday Work Premium Pay Unemployment Insurance and Temporary Disability Insurance Workers' Compensation Stop Work
Energy/Environmental Matters	Administrative Fines Environmental Appeals Review of Renewable Energy Projects
Construction Matters	Court Judgment Homeowner/Contractor Disputes Soil, Asphalt, Concrete Testing Claims
Revenue and Taxation Matters	Adoption of Vehicle Values Motor Vehicle Excise Tax Appeals Preliminary Tax Hearings Show Cause
Utility-related Matters	Examination of Regulations and Practices of Public Utilities Formal Evidentiary Hearings Informal Review Hearings Rate Making Rate Review
Education Matters	Education/School Law-related Issues Proprietary School "For Cause"
Business- and License-related Matters	Complaints/Appeals Eligibility for Minority Business Enterprise Designation License Approval, Denial, Suspension Appeals Liquor Appeals Municipal Liquor Appeals Prosecution to Enforce Disciplinary Actions
Programmatic Matters	Program and Services Rules and Regulations Section 8 Housing Program Admissions
TOTAL	37

Even among the agencies with the most hearings noted above, the number and types of hearings within each agency varies. Within DLT, hearings cover five areas: labor standards; prevailing wage; workers' compensation stop work order; Sunday work premium pay; and unemployment and temporary disability insurance. Nine types of hearings are conducted by DOR, including show cause hearings by the Divisions of Motor Vehicles and Taxation and motor vehicle excise tax appeal hearings by the Division of Municipal Finance.

EOHHS reported conducting fifteen (15) types of hearings, including cases regarding the programs and services of the Departments of Children, Youth, and Families, Health, Human Services, and Behavioral Healthcare, Developmental Disabilities, and Hospitals. DPUC reported twenty-one (21) different types of hearings, ranging from matters of practices and services of public utilities to rules governing the termination of residential electric, gas, and water utility services. Thirty (30) different types of hearings are conducted within the various divisions of DOA, including homeowner contract disputes heard by the Rhode Island Contractor's Registration and Licensing Board, initial eligibility requirements heard by the Minority Business Enterprise Compliance Office, and grievance and discipline hearings at the Office of Personnel Administration's service centers.

Agencies with No Administrative Hearing Authority

Some divisions within state agencies do not have administrative hearing authority; however, other divisions within the agency do have that authority. For example, as noted above, the Administrative Adjudication Division of DEM is the only division within the agency that has administrative hearing authority. Table 4, on the following page, lists the agencies and divisions that reported that they do not have administrative hearing authority.

Table 4: Agencies and Divisions with No Administrative Hearing Authority

Agency Name	Division Name
Department of Administration	Central Services
Department of Administration	Facility Management
Department of Administration	Office of Library and Information Services
Department of Administration	Worker's Compensation
Department of Administration	Building Code
Department of Administration	State Planning Council
Department of Administration	State Properties Committee
Department of Business Regulation	Central Management
Clean Water Finance Agency	Agency-wide
Department of Environmental Management	Agriculture
Department of Environmental Management	Air Resources
Department of Environmental Management	Boat Registration and Licensing
Department of Environmental Management	Coastal Resources
Department of Environmental Management	Compliance and Inspection
Department of Environmental Management	Fish and Wildlife
Department of Environmental Management	Forest Environment
Department of Environmental Management	Law Enforcement
Department of Environmental Management	Natural Resources Bureau
Department of Environmental Management	Parks and Recreation
Department of Environmental Management	Water Resources
Department of Environmental Management	Waste Management
Department of Labor and Training	Professional Regulation
Department of Labor and Training	Workers Compensation Unit
Department of Labor and Training	Labor Standards
Department of Labor and Training	Occupational Safety Division
Department of Labor and Training	Weights and Measures
Department of Labor and Training	Governor's Workforce Board/Human Resources Investment Council
Department of Public Safety	Office of the State Fire Marshal
Department of Public Safety	Municipal Police Training Academy
Department of Revenue	Division of Revenue Analysis
TOTAL DIVISIONS	30

Time-frame for Adjudication

The average length of time for adjudication of these matters varies among agencies based on agency estimates, ranging from one (1) day to 1,080 days. Generally, the estimated length of time for adjudication ranges from 37.5 days to 162.8 days. Agencies that reported shorter time-frames for adjudication include DPUC’s hearings for certificates of operating authority (two to seven days), DOR’s Division of Municipal Finance motor vehicle excise tax hearings (less than one day), and DLT’s workers’ compensation rules and procedures hearings (decision rendered at hearing). Hearings such as DPUC’s formal evidentiary hearings held in response to petitions for authority to construct and operate cable TV range from 360 to 540 days, and some environmental appeal hearings conducted by DEM can take up to three years. The Office of Administrative Adjudication in DEM hears all appeals filed for denials of applications or permits. Cases such as underground storage tank and freshwater wetland matters have taken up to three years to adjudicate. Table 5 below shows a range of agency adjudication estimates.

Table 5: Average Time-frame for Adjudication

Agency Name ¹	Low Estimate (Days)	High Estimate (Days)
Environmental Management, Department of	270	1080
Public Utilities and Carriers, Division of Public Utilities Commission	1	540
Public Safety, Department of	30	360
Business Regulation, Department of	45	240
Health Insurance Commissioner, Office of	90	90
Executive Office of Health and Human Services	30	90
Fire Safety Code Board of Appeal and Review	30	90
Administration, Department of	1	90
Education, Department of	45	45
Housing and Mortgage Finance Corporation (RIHMFC)	45	45
Labor and Training, Department of	1	30
Revenue, Department of	1	30
Public Utilities Commission	1	1
Coastal Resources Management Council	1	1
Higher Education, Office of	1	1
AVERAGE	37.5	162.8

¹ This table reflects the average time-frames for adjudication of those agencies that submitted this data.

PERSONNEL NEEDS FOR ADMINISTRATIVE HEARINGS

For the assessment, state agencies were asked to report the full time equivalent (FTE) positions performing administrative hearing duties for the agency during the last three fiscal years ending in FY 2013. Based on the data submitted, hearing duties were performed statewide during that time period by 187.6 FTE positions (represented as a percentage of the time spent on administrative hearing duties). The DOR, DBR, and DOA use the most FTE positions to conduct the administrative hearing duties of their respective agency, estimating needing 65.8, 55.0, and 27.0 FTE positions, respectively. Most agencies reported using less than 10.0 FTE positions for administrative hearing duties. Table 6 below shows the reported FTE positions that perform administrative hearing duties.

Table 6: Estimated FTE Positions Used for Administrative Hearings

Agency Name ²	Estimated FTEs For Hearings	Percentage of Total FTEs
Revenue, Department of	65.8	35.5%
Business Regulation, Department of	55.0	29.6%
Administration, Department of	27.0	14.5%
Executive Office of Health and Human Services	9.7	5.2%
Public Utilities Commission	9.3	5.0%
Labor and Training, Department of	7.4	4.0%
Public Safety, Department of	4.4	2.4%
Public Utilities and Carriers, Division of Public Utilities Commission	3.2	1.7%
Education, Department of	2.0	0.6%
Environmental Management, Department of	2.0	1.1%
Public Transit Authority (RIPTA)	1.0	0.5%
Economic Development Corporation	0.4	0.2%
Housing and Mortgage Finance Corporation (RIHMFC)	0.2	0.1%
Higher Education, Office of	0.1	0.1%
Coastal Resources Management Council	0.1	0.1%
Health Insurance Commissioner, Office of	0.01	0.0%
TOTAL	187.6	--

Looking more closely at the three agencies using the most FTE positions for administrative hearings, DOR conducted 1,009 hearings using 65.8 FTE positions, DBR conducted 99 hearings using 55.0 FTE positions, and DOA conducted 861 hearings using 55.0 FTE positions during the last three fiscal years ending in FY 2013. It is unclear if any correlation exists between the

² This table reflects the number of FTE positions that conducted hearings based on those agencies that submitted this data.

number of hearings, different types of hearings, and the personnel needed to conduct the hearings. When the longest estimated time-frame for adjudication is taken into consideration along with the three agencies using the most personnel, DOR has the shortest adjudication time-frame (30 days), but has the most FTE positions performing hearing duties and conducts the most hearings compared to DOA and DBR. Table 7 below shows the longest estimate for adjudication, along with the average number of hearings and estimated FTE positions by agency in alphabetical order.

Table 7: Average Number of Hearings, Longest Adjudication Time-Frame, and FTEs

Agency Name	Average Number of Hearings	Longest Adjudication Estimate (Days)	Estimated FTEs for Hearings
Administration, Department of	861	90	27.0
Arts, State Council on the	0	NA	0.0
Business Regulation, Department of	99	240	55.0
Coastal Resources Management Council	8	1	0.1
Economic Development Corporation	1	NA	0.4
Education, Department of	38	45	2.0
Environmental Management, Department of	6	1,080	2.0
Executive Office of Health and Human Services	2,185	90	9.7
Health Insurance Commissioner, Office of	1	90	0.0
Higher Education, Office of	5	1	0.1
Housing and Mortgage Finance Corporation (RIHMFC)	41	45	0.2
Labor and Training, Department of	6,334	30	7.4
Public Safety, Department of	11	360	4.4
Public Transit Authority (RIPTA)	40	NA	1.0
Public Utilities and Carriers, Division of Public Utilities Commission	910	540	3.2
Public Utilities Commission	31	1	9.3
Revenue, Department of	1,009	30	65.8

As noted in Table 7, even though DLT conducted the most hearings during the last three fiscal years ending in FY 2013 (6,334 hearings), it did so with the fewest FTE positions (7.35) and in a short 30-day time-frame. With the second highest number of hearings (2,185), EOHHS used 9.7 FTE positions and processed contested cases within 90 days.

Personnel Performing Hearing Duties

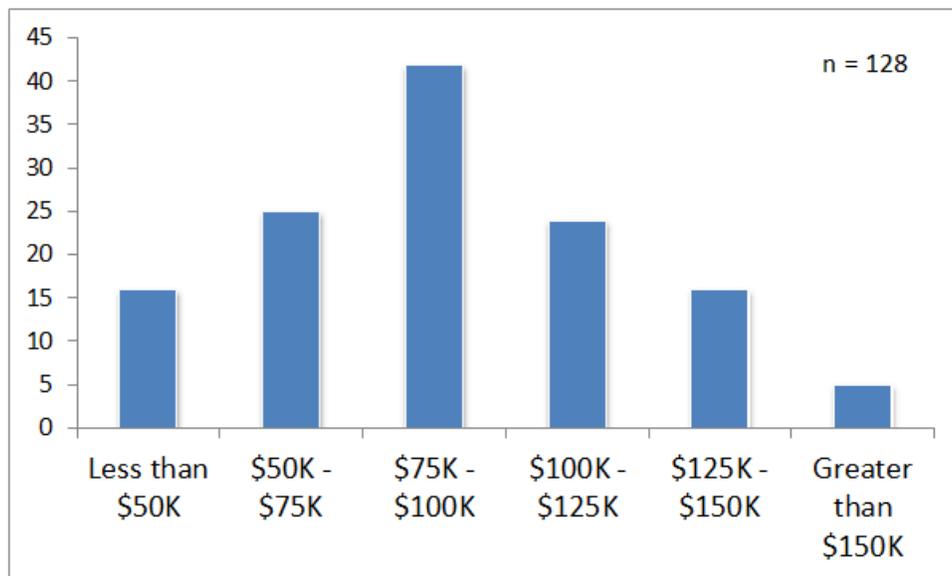
State agencies identified several personnel titles needed to conduct administrative hearings.

Personnel titles participating in hearings included:

- Administrative Assistants providing staff support for hearings;
- Legal Counsel, ranging from legal aides to directors of legal services, often providing legal advice and conducting administrative hearings;
- Enforcement and Implementation Aides processing claims and sending violations notices and decisions; and
- Analysts on staff, including policy associates, engineers, environmental scientists, bank examiners, insurance examiners, and securities examiners, preparing evidence and other materials for review during hearings, researching and interpreting laws and collective bargaining agreements, and providing testimony on behalf of the agency.

Figure B shows the salary data reported by agencies for staff that performed administrative hearing duties during the last three fiscal years ending in FY 2013.

Figure B: Number of People Performing Administrative Hearing Duties by Salary Range³



³ This figure reflects the salaries for FTE positions conducting administrative hearing duties as reported by state agencies. Not all agencies reported salary information for its FTE positions with administrative hearing duties. OMB is still analyzing the data further to determine if the data provided are salaries for state employees versus outside contractors.

Required Expertise

Overall, most agencies with administrative hearing authority reported legal expertise or knowledge of applicable state and federal statutes as important skills for conducting administrative hearings. Knowledge of the program or industry area was often cited as important to conduct hearings.

Of the agencies with administrative hearing authority and conducting hearings, only the Clean Water Finance Agency reported that no expertise is required to conduct its administrative hearings. Several agencies did not specify any expertise requirements to perform its administrative hearings, including:

- DOA's Equal Opportunity Office;
- DOA's Minority Business Enterprise Compliance Office;
- DOA's Office of Personnel Administrator General Government Service Center;
- Rhode Island Contractors' Registration and Licensing Board;
- Coastal Resources Management Council;
- DOR's Division of Municipal Finance;
- DOR's Division of Taxation; and
- Rhode Island Department of Education (RIDE).

One entity reported that expertise is required by state statute. The Public Utilities Commission (PUC) noted that commissioners, who conduct administrative hearings on behalf of PUC, have expertise and "experience in law and government, energy matters, economics and finance, engineering and accounting" (See Rhode Island General Law 39-1-4).

CHALLENGES WITH CURRENT ADMINISTRATIVE HEARING PROCESSES

With the exception of DEM, administrative hearing officers and hearing support staff simultaneously serve as legal counsel, analysts, aides, administrative assistants, and program managers within the state agencies, ultimately answering to their boss—the agency director—who has final approval and authority over hearing decisions. Hearing personnel spend a portion of their time on administrative hearing duties, sometimes in agency policy-making and program development positions. With administrative hearing personnel having direct ties to the agency they are conducting hearing duties on behalf, the perception of impartiality and bias favoring the agency can reduce confidence in the process.

Improving the administrative hearing process will improve its public perception and will increase trust in and transparency of the system. This would ultimately reduce time spent by agency personnel on hearing duties and the length of adjudication. A centralized office would be a cost effective measure and it would make the process more efficient by relieving the personnel currently conducting these duties so they can focus on non-administrative hearing duties.

BEST PRACTICES FROM OTHER STATES

Over the past few decades, many states have made the transition from decentralized to centralized hearing agencies. Of those states, Maryland is often viewed as the model for establishing an independent, central agency to handle administrative hearings for most executive branch agencies.

The Maryland state legislature created the Office of Administrative Hearings (OAH) in 1990 after the business community and general public voiced concerns with a contested case coming before a hearing officer of a state agency that was also an employee of that agency. Administrative Law Judges of the Maryland OAH annually conduct 500 different types of hearings for over 30 state agencies, providing a reliable, standardized process for impartial hearings.

Overall, 30 states have centralized hearing agencies, while 20 states maintain administrative hearing authority within each state agency. Table 8 on the next page identifies each state by administrative hearing process.

Table 8: States Categorized by Hearing Process

States with Centralized Hearing Agencies	States with Decentralized Hearing Agencies
Alabama	Arkansas
Alaska	Connecticut
Arizona	Delaware
California	Idaho
Colorado	Illinois
Florida	Indiana
Georgia	Mississippi
Hawaii	Montana
Iowa	Nebraska
Kansas	New Hampshire
Kentucky	New Mexico
Louisiana	Ohio
Maine	Oklahoma
Maryland	Pennsylvania
Massachusetts	Rhode Island
Michigan	South Dakota
Minnesota	Utah
Missouri	Vermont
Nevada	Virginia
New Jersey	West Virginia
New York	
North Carolina	
North Dakota	
Oregon	
South Carolina	
Tennessee	
Texas	
Washington	
Wisconsin	
Wyoming	

NEXT STEPS

The administrative hearing assessment revealed that the seventeen (17) state agencies with administrative hearing authority conducted an average 11,582 hearings during the last three fiscal years ending in FY 2013. Those hearings covered thirty-seven (37) different types of hearings. The average estimated time period for adjudication ranged from 37.5 days to 162.8 days. Statewide, hearing duties were performed by 187.6 FTE positions.

Based on this first data collection exercise with state agencies, there may be some opportunities to centralize some administrative hearing functions. While there may be advantages to centralizing administrative hearing activities and several best practices to use as models for Rhode Island, further data collection and review should be conducted prior to any changes to the current state's administrative hearing processes.

Among other things, greater detail on the specific roles of FTE positions and the allocation of staff time in the administrative hearing process, the reasons behind the timeframe for adjudication for some matters, and the costs associated with performing hearings will provide another layer of information needed to determine the best path forward for the state's administrative hearing processes. The DOA and the OMB will seek additional information from agencies and report its findings in the fall of 2014.

APPENDIX A: TEXT OF LEGISLATION REQUIRING ASSESSMENT

Chapter 335
2013 -- H 5159 SUBSTITUTE A
Enacted 07/15/13

A N A C T
RELATING TO STATE AFFAIRS AND GOVERNMENT - ADMINISTRATIVE
PROCEDURES

Introduced By: Representatives Ucci, E Coderre, O'Brien, Marshall, and Fellela

Date Introduced: January 24, 2013

It is enacted by the General Assembly as follows:

SECTION 1. Chapter 42-35 of the General Laws entitled, "Administrative Procedures" is hereby amended by adding thereto the following:

42-35-9.1. Administrative hearing assessment and study. -- (a) In order to assess, standardize and create efficiency and fairness in the administrative hearing process in state agencies, the department of administration, with the assistance from the state office of management and budget and the personnel administrator, shall conduct an assessment and study of the administrative hearing practices across state government performed by individuals employed by the state. The study shall not include administrative hearings conducted by boards, committees, or commissions which are unpaid by the state for their time.

(b) All state agencies on or before September 30, 2013, shall each provide the following information and records to the director of the department of administration:

(1) A complete list of the types of administrative hearings performed on behalf of the agency including a description of the type of hearing, expertise that may be required and statutory authority for conducting such a hearing;

(2) The number of hearings listed by each type of hearing as described in subdivision (1) performed by each agency in each fiscal year for the past three (3) fiscal years ending June 30, 2013, along with the average time-frame for each type of matter to be adjudicated;

(3) The agency rules or regulations governing any such administrative hearings;

(4) A complete list of personnel by name, title, grade, division of agency, and total rate of salary, who conduct agency administrative hearings including the type of hearing performed by each individual, along with the percentage of the person's time spent on administrative hearing duties as a full-time equivalent;

(5) A complete list of all agency positions with name, title, division, and total rate of salary of each position, that include administrative hearing duties in either the job title or job description;

(6) A complete list of vacancies that have administrative hearing duties in the job title job description; and

(7) The total number, as a full-time equivalent, performing all administrative hearings for

the agency.

(c) On or before December 30, 2013, the department of administration, with assistance from the state office of management and budget and the personnel administrator, shall provide to the governor, speaker of the house of representatives, senate president, and chairpersons of the house and senate finance committees a report regarding the assessment and study of administrative hearing practices in the state agencies. The report shall include:

- (1) An executive summary of administrative hearing practices across state government;
- (2) A recommendation and/or a plan on how to standardize, consolidate and make more efficient the administrative hearing process across state agencies;
- (3) A recommendation regarding the potential need for certain hearing officers to be qualified subject matter experts;
- (4) Legislative or regulatory recommendations for a standardized administrative hearing process across state agencies;
- (5) Recommendations regarding the number of full-time equivalents needed to perform administrative hearing duties;
- (6) A copy of the information and records supplied by each of the agencies listed in subsection (b); and
- (7) Any other information deemed to be appropriate.

(d) Each agency shall fully cooperate with the department of administration regarding the assessment and study and shall dedicate appropriate resources as needed to complete this assessment. Additionally, the state office of management and budget and the personnel administrator shall dedicate appropriate resources and assist the department of administration in compiling and analyzing the information and completing the report for the general assembly.

SECTION 2. This act shall take effect upon passage and shall sunset and expire on December 31, 2013, unless specifically reauthorized by the general assembly.

Chapter 435
2013 -- S 0082 SUBSTITUTE A
Enacted 07/15/13

A N A C T
RELATING TO STATE AFFAIRS AND GOVERNMENT - ADMINISTRATIVE
PROCEDURES

Introduced By: Senators DiPalma, Goodwin, Nesselbush, Lynch, and Cool Rumsey
Date Introduced: January 16, 2013

It is enacted by the General Assembly as follows:

SECTION 1. Chapter 42-35 of the General Laws entitled, "Administrative Procedures" is hereby amended by adding thereto the following:

42-35-9.1. Administrative hearing assessment and study. -- (a) In order to assess, standardize and create efficiency and fairness in the administrative hearing process in state agencies, the department of administration, with the assistance from the state office of management and budget and the personnel administrator, shall conduct an assessment and study of the administrative hearing practices across state government performed by individuals employed by the state. The study shall not include administrative hearings conducted by boards, committees, or commissions which are unpaid by the state for their time.

(b) All state agencies on or before September 30, 2013, shall each provide the following information and records to the director of the department of administration:

(1) A complete list of the types of administrative hearings performed on behalf of the agency including a description of the type of hearing, expertise that may be required and statutory authority for conducting such a hearing;

(2) The number of hearings listed by each type of hearing as described in subdivision (1) performed by each agency in each fiscal year for the past three (3) fiscal years ending June 30, 2013, along with the average time-frame for each type of matter to be adjudicated;

(3) The agency rules or regulations governing any such administrative hearings;

(4) A complete list of personnel by name, title, grade, division of agency, and total rate of salary, who conduct agency administrative hearings including the type of hearing performed by each individual, along with the percentage of the person's time spent on administrative hearing duties as a full-time equivalent;

(5) A complete list of all agency positions with name, title, division, and total rate of salary of each position, that include administrative hearing duties in either the job title or job description;

(6) A complete list of vacancies that have administrative hearing duties in the job title job description; and

(7) The total number, as a full-time equivalent, performing all administrative hearings for the agency.

(c) On or before December 30, 2013, the department of administration, with assistance from the state office of management and budget and the personnel administrator, shall provide to the governor, speaker of the house of representatives, senate president, and chairpersons of the house and senate finance committees a report regarding the assessment and study of administrative hearing practices in the state agencies. The report shall include:

- (1) An executive summary of administrative hearing practices across state government;
- (2) A recommendation and/or a plan on how to standardize, consolidate and make more efficient the administrative hearing process across state agencies;
- (3) A recommendation regarding the potential need for certain hearing officers to be qualified subject matter experts;
- (4) Legislative or regulatory recommendations for a standardized administrative hearing process across state agencies;
- (5) Recommendations regarding the number of full-time equivalents needed to perform administrative hearing duties;
- (6) A copy of the information and records supplied by each of the agencies listed in subsection (b); and
- (7) Any other information deemed to be appropriate.

(d) Each agency shall fully cooperate with the department of administration regarding the assessment and study and shall dedicate appropriate resources as needed to complete this assessment. Additionally, the state office of management and budget and the personnel administrator shall dedicate appropriate resources and assist the department of administration in compiling and analyzing the information and completing the report for the general assembly.

SECTION 2. This act shall take effect upon passage and shall sunset and expire on December 31, 2013, unless specifically reauthorized by the general assembly.

APPENDIX B: ADMINISTRATIVE HEARING ASSESSMENT TEMPLATE



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ADMINISTRATION
 OFFICE of MANAGEMENT & BUDGET Office: (401) 574-8430
 One Capitol Hill Fax: (401) 222-6436
 Providence, RI 02908-5890

Administrative Hearing Assessment			
RIGL 42-35-9.1			
<i>Deadline: September 30, 2013</i>			
Date Submitted:			
Department:			
Subunit:			
Director/CFO:			
Department Contact Information:			
A. Administrative Hearings			
1) Please provide a complete list of the types of administrative hearings performed on behalf of the agency including a description of the type of hearing example, Workers' Compensation), expertise that may be required and statutory authority for conducting such a hearing:			
Hearing Type	Expertise Required	Statutory Authority	
2) Please provide the number of hearings listed by each type of hearing as described in subdivision (1) performed by each agency in each fiscal year for the past three (3) fiscal years ending June 30, 2013, along with the average time-frame for each type of matter to be adjudicated:			
Fiscal Year End Date	Number of Hearings	Average Time-Frame for Adjudication	
3) Please list the agency rules or regulations governing any such administrative hearings:			
Hearing Type	Rules and Regulations Governing Administrative Hearings		
Page 2 - Administrative Hearing Assessment			
B. Personnel			
4) Please provide a complete list of personnel who conduct agency administrative hearings, by name, title, grade, division of agency, and total rate of salary, including the type of hearing performed by each individual, along with the percentage of the person's time spent on administrative hearing duties as a full-time equivalent:			
Name, Title, Agency Division, Grade	Salary	Types of Hearings Performed	Percentage of Time Spent on Administrative Hearing Duties as Full-Time Equivalent (FTE)
5) Please provide a complete list of all agency positions with name, title, division, and total rate of salary of each position, that include administrative hearing duties in either the job title or job description:			
Name, Title, Agency Division	Salary	Administrative Hearing Duties in Job Title or Job Description	
6) Please provide a complete list of vacancies that have administrative hearing duties in the job title job description:			
Position Vacancies with Hearing Duties	Hearing Duties/Job Description		
7) Please list total number, as a full-time equivalent, performing all administrative hearings for the agency:			
Total Number, as a Full Time Equivalent (FTE), Performing all Administrative Hearings for the Agency			

APPENDIX C: COMMON ACRONYMS USED IN THIS REPORT

GENERAL ACRONYMS

FTE – Full Time Equivalent Positions

FY – Fiscal Year

RIGL – Rhode Island General Law

STATE ENTITY ACRONYMS

BHDDH – Rhode Island Department of Behavioral Healthcare, Developmental Disabilities and Hospitals

CRB – Contractors’ Registration and Licensing Board

CRMC – Rhode Island Coastal Resources Management Council

DBR – Rhode Island Department of Business Regulation

DEA – Rhode Island Division of Elderly Affairs

DEM – Rhode Island Department of Environmental Management

DLT – Rhode Island Department of Labor and Training

DOA – Rhode Island Department of Administration

DOR – Rhode Island Department of Revenue

DPS – Rhode Island Department of Public Safety

DPUC – Division of Public Utilities Commission

EOHHS – Executive Office of Health and Human Services

OHE – Office of Higher Education

OHIC – Office of Health Insurance Commissioner

OMB – Rhode Island Office of Management and Budget

PUC – Public Utilities Commission

RIDE – Rhode Island Department of Education

RIDOT – Rhode Island Department of Transportation

RIEDC – Rhode Island Economic Development Corporation

RIHMFC – Rhode Island Housing and Mortgage Finance Corporation (Rhode Island Housing)

RIPTA – Rhode Island Public Transit Authority

RISCA – Rhode Island State Council on the Arts

APPENDIX D: HEARING AUTHORITY DATA PROVIDED TO OMB BY AGENCIES⁴

Department of Administration					
Division or Department Name <i>If applicable</i>	Authority	Hearing Type(s)	Hearings in FY11	Hearings in FY12	Hearings in FY13
Contractors' Registration & Licensing Board	RIGL§5-65 et al	Claim by Employee; Court Judgment; Homeowner Breach of Contract; Homeowner Contract Dispute; Homeowner Residential Construction Lien Filed, Residential General vs. Subcontractor; and Soil, Asphalt, or Concrete Testing Claim	48	35	69
Personnel Type(s) Involved in Hearings		FTE Positions Conducting Hearings		5	
Enforcement Aide, Executive Director, Hearing Officer, Implementation Aide, Legal Counsel, Licensing Aide, Principal State Building Code Official, Senior State Building Code Official, Stenographer, and System Support Technician		Average % FTE Time Spent on Hearings		100%	
		Adjudication Time		Varies	
Division or Department Name <i>If applicable</i>	Authority	Hearing Type(s)	Hearings in FY11	Hearings in FY12	Hearings in FY13
Equal Opportunity Office	RIGL§28-5.1-3.2	Equal Opportunity	NA	NA	NA
Personnel Type(s) Involved in Hearings		FTE Positions Conducting Hearings		NA	
NA		Average % FTE Time Spent on Hearings		NA	
		Adjudication Time		NA	

⁴ These raw data reflect the information submitted by state agencies with administrative hearing authority to the Office of Management and Budget for this assessment.

Administration continued.

Division or Department Name <i>If applicable</i>	Authority	Hearing Type(s)	Hearings in FY11	Hearings in FY12	Hearings in FY13
Minority Business Enterprise	49 CFR 23,26	Continued Eligibility Requirements; and Initial Eligibility Requirements	23	16	15
Personnel Type(s) Involved in Hearings			FTE Positions Conducting Hearings		
Assistant Administrator of MBE, Associate Controller, Engineer Tech IV, Sr. External Contract Compliance Officer			5		
			Ave % FTE Time Spent on Hearings		
			NA		
			Adjudication Time		
			1 day		
Division or Department Name <i>If applicable</i>	Authority	Hearing Type(s)	Hearings in FY11	Hearings in FY12	Hearings in FY13
Office of Personnel Administration	RIGL§28-7; §36-4; §42-56-10; 470 US 532 (1985); Collective Bargaining Agreements	Employee Disciplinary Action; Grievances; and Pre-Disciplinary Hearings	330	328	358
Personnel Type(s) Involved in Hearings			FTE Positions Conducting Hearings		
Human Resources Administrator, Human Resources Analyst I, Human Resources Analyst III, Human Resources Coordinator (across four Service Centers DEM/DOT; General Government; HHS; and Public Safety)			8		
			Average % FTE Time Spent on Hearings		
			30%		
			Adjudication Time		
			2 to 90 days		
Division or Department Name <i>If applicable</i>	Authority	Hearing Type(s)	Hearings in FY11	Hearings in FY12	Hearings in FY13
Administrator of Adjudication	RIGL§36-4-40.1, §42-35-1	Desk Audit Hearing; Exam Appeals; and Hearings Related to Operations Under the Departments of Administration (including the CRB), Business Regulation, Children Youth and Families, Health, and Revenue	239	246	256
Personnel Type(s) Involved in Hearings			FTE Positions Conducting Hearings		
Administrator of Adjudication and Senior Word Processing – Typist			1.5		
			Average % FTE Time Spent on Hearings		
			75%		
			Adjudication Time		
			30 days		

State Council on the Arts					
Division or Department Name <i>If applicable</i>	Authority	Hearing Type(s)	Hearings in FY11	Hearings in FY12	Hearings in FY13
-	RIGL§42-75-8	Procedures and Regulations	0	0	0
Personnel Type(s) Involved in Hearings			FTE Positions Conducting Hearings		
Executive Director			1		
			Average % FTE Time Spent on Hearings		
			0%		
			Adjudication Time		
			NA		

Department of Business Regulation					
Division or Department Name <i>If applicable</i>	Authority	Hearing Type(s)	Hearings in FY11	Hearings in FY12	Hearings in FY13
<i>All Divisions</i>	RIGL§42-14	Complaint/Appeal; License Approval/Denial; Municipal Liquor Appeals; Prosecution; and Regulations	135	100	63
Personnel Type(s) Involved in Hearings			FTE Positions Conducting Hearings		
Administrative Officer, Administrator – Real Estate, Assistant Administrative Officer, Assistant Supervisor of Examinations, Bank Examiner, Chief Insurance Examiner, Chief Licensing Examiner – Racing and Athletics, Chief of Legal Services, Chief Property and Casualty Insurance Analyst, Chief Public Protection Inspector, Chief Securities Examiners, Implementation Aide, Deputy Chief of Legal Services, Deputy Director, Director – DBR, Legal Counsel, Licensing Aide, Liquor Control Investigator, Market Conduct Examiner-In-Charge, Pari-Mutuel Operations Specialist, Principal Analyst, Principal Bank Examiner, Principal Licensing Examiner, Principal Securities Examiner, Securities Examiner, Senior Analyst, Senior Bank Examiner, Senior Market Conduct Examiner, Senior Securities Examiner, Supervisor of Examinations, and Systems Analyst			14.75		
			Average % FTE Time Spent on Hearings		
			53%		
			Adjudication Time		
			45 – 240 days		

Coastal Resources Management Council					
Division or Department Name <i>If applicable</i>	Authority	Hearing Type(s)	Hearings in FY11	Hearings in FY12	Hearings in FY13
-	RIGL§46-23-7, §46-23-7.1 to 7.5	Administrative Fines	4	11	10
Personnel Type(s) Involved in Hearings			FTE Positions Conducting Hearings		
Hearing Officer, Principle Environmental Scientist, Senior Environmental Scientist			3		
			Average % FTE Time Spent on Hearings		
			<5%		
			Adjudication Time		
			<1 day		

Economic Development Corporation					
Division or Department Name <i>If applicable</i>	Authority	Hearing Type(s)	Hearings in FY11	Hearings in FY12	Hearings in FY13
-	RIGL§39-2-1.2, §39-26-7, §42-64-1302	Rules and Regulations for Job Creation Guaranty Program; and Rules and Regulations for the Renewable Energy Development Fund Program	1	0	1
Personnel Type(s) Involved in Hearings			FTE Positions Conducting Hearings		
Administrative Assistant, Client Service Advisor/Rules Coordinator, Director of Financial Programs, Program Manager			4		
			Average % FTE Time Spent on Hearings		
			5%		
			Adjudication Time		
			NA		

Board of Education					
Division or Department Name <i>If applicable</i>	Authority	Hearing Type(s)	Hearings in FY11	Hearings in FY12	Hearings in FY13
Community College of Rhode Island	Collective Bargaining Agreements	Grievance Hearings	14	25	19
Personnel Type(s) Involved in Hearings			FTE Positions Conducting Hearings		
Hearing Officer, Investigator, Note Taker			8		
			Average % FTE Time Spent on Hearings		
			NA		
			Adjudication Time		
			NA		

Department of Education					
Division or Department Name <i>If applicable</i>	Authority	Hearing Type(s)	Hearings in FY11	Hearings in FY12	Hearings in FY13
-	RIGL§16-39	Education/School Law-related Issues and/or Disputes	39	42	33
Personnel Type(s) Involved in Hearings			FTE Positions Conducting Hearings		
Chief Legal Counsel, Hearing Officer, Legal Counsel			4		
			Average % FTE Time Spent on Hearings		
			50%		
			Adjudication Time		
			45 days		

Department of Environmental Management					
Division or Department Name <i>If applicable</i>	Authority	Hearing Type(s)	Hearings in FY11	Hearings in FY12	Hearings in FY13
Administrative Adjudication Division for Environmental Matters	RIGL§42-17.7-1 et seq.	Environmental Appeals	6	6	5
Personnel Type(s) Involved in Hearings			FTE Positions Conducting Hearings		
Administrative Clerk, Chief Hearing Officer, Hearing Officer, Secretarial Services			2		
			Average % FTE Time Spent on Hearings		
			100%		
			Adjudication Time		
			270 to 1,080 days		

Executive Office of Health and Human Services					
Division or Department Name <i>If applicable</i>	Authority	Hearing Type(s)	Hearings in FY11	Hearings in FY12	Hearings in FY13
As Listed	RIGL§42-7.2	Executive Office of Health and Human Services APTC/CSR Eligibility or Calculation; Basic QHP Eligibility; Exemption; Large Employer; Medicaid and Exchange Hearings; SHOP-Employee; and SHOP-Employer Department of Behavioral Healthcare, Developmental Disabilities, and Hospitals BHDDH Programs and Services Department of Health DOH Programs and Services Department of Human Services Child Care Assistance Program; Child Support Services; Elderly Affairs; General Public Assistance; Rehabilitation Services' Vocational Rehabilitation Program; Rhode Island Works; Services for the Blind and Visually Impaired; Social Services Program; State Supplemental Payment Program; Supplemental Nutrition Assistance Program; Supplemental Security Income; and Veteran's Affairs	2171	2155	2230
Personnel Type(s) Involved in Hearings			FTE Positions Conducting Hearings		13
Executive Office of Health and Human Services - Appeals Officer, Programming Services Officer Department of Children, Youth and Families - Senior Legal Counsel Department of Behavioral Healthcare, Developmental Disabilities and Hospitals - Executive Director – Operations and Policy Department of Health - Legal Assistant Department of Human Services - Administrative & Legal Support Services Administrator, Appeals Officer, Senior Systems Analyst, Sr. Word Processing Typist			Average % FTE Time Spent on Hearings		100%
			Adjudication Time		30 to 90 days

Office of Higher Education					
Division or Department Name <i>If applicable</i>	Authority	Hearing Type(s)	Hearings in FY11	Hearings in FY12	Hearings in FY13
-	RIGL§16-59-4	Grievance Hearings (Collective Bargaining)	7	5	4
Personnel Type(s) Involved in Hearings			FTE Positions Conducting Hearings		
General Council			1		
			Average % FTE Time Spent on Hearings		
			10%		
			Adjudication Time		
			<1 day		

Housing and Mortgage Finance Corporation (RIMFC)					
Division or Department Name <i>If applicable</i>	Authority	Hearing Type(s)	Hearings in FY11	Hearings in FY12	Hearings in FY13
-	24 CFR 880.603	Housing Choice Voucher Program Denials and Terminations; and Section 8 Project Based Program Admissions	46	29	47
Personnel Type(s) Involved in Hearings			FTE Positions Conducting Hearings		
Assistant Counsel, Director of Resident Services			0.2		
			Average % FTE Time Spent on Hearings		
			10%		
			Adjudication Time		
			45 days		

Department of Labor and Training					
Division or Department Name <i>If applicable</i>	Authority	Hearing Type(s)	Hearings in FY11	Hearings in FY12	Hearings in FY13
Board of Review	RIGL§28-38 to 44	Unemployment Insurance and Temporary Disability Insurance	6260	6780	5781
Personnel Type(s) Involved in Hearings			FTE Positions Conducting Hearings		
Referee			NA		
			Average % FTE Time Spent on Hearings		
			100%		
			Adjudication Time		
			20 days		
Division or Department Name <i>If applicable</i>	Authority	Hearing Type(s)	Hearings in FY11	Hearings in FY12	Hearings in FY13
Legal Division	RIGL§25-3-1 et seq.; RIGL§28-14-1 et seq.; RIGL§28-36-15; RIGL§37-13-1 et seq.	Labor Standards; Prevailing Wage; Sunday Work Premium Pay; and Workers' Compensation Stop Work	73	70	39
Personnel Type(s) Involved in Hearings			FTE Positions Conducting Hearings		
Legal Council			7		
			Average % FTE Time Spent on Hearings		
			22%		
			Adjudication Time		
			30 days		

Department of Public Safety					
Division or Department Name <i>If applicable</i>	Authority	Hearing Type(s)	Hearings in FY11	Hearings in FY12	Hearings in FY13
-	RIGL§42-35-1 et seq.; RIGL§42-7.3-9	All DPS Rules and Regulations Hearings	1	2	0
Personnel Type(s) Involved in Hearings			FTE Positions Conducting Hearings		
Chief Legal Counsel, Legal Counsel, Principal Projects Manager			14		
			Average % FTE Time Spent on Hearings		
			20%		
			Adjudication Time		
			30 to 60 days		
Division or Department Name <i>If applicable</i>	Authority	Hearing Type(s)	Hearings in FY11	Hearings in FY12	Hearings in FY13
Capitol Police	RIGL§42-35-1 et seq., Collective Bargaining Agreements	Capitol Police Grievance Hearing; and Capitol Police Pre-Disciplinary Hearing	1	2	5
Personnel Type(s) Involved in Hearings			FTE Positions Conducting Hearings		
Captain (RISP/DPS), Chief (Capitol Police), Chief Legal Counsel (DPS), Corporal (RISP/DPS), Legal Counsel (DPS), Lieutenant (RISP/DPS), Lt. Colonel (RISP/DPS), Major (RISP)			14		
			Average % FTE Time Spent on Hearings		
			13%		
			Adjudication Time		
			60 to 90 days		
Division or Department Name <i>If applicable</i>	Authority	Hearing Type(s)	Hearings in FY11	Hearings in FY12	Hearings in FY13
Division of Sheriffs	RIGL§42-35-1 et seq., Collective Bargaining Agreements	Sheriffs Arbitration; Sheriffs Grievance Hearing; and Sheriffs Pre-Disciplinary Hearing	0	9	12
Personnel Type(s) Involved in Hearings			FTE Positions Conducting Hearings		
Captain (RISP/DPS), Chief (Division of Sheriffs), Chief Legal Counsel (DPS), Corporal (RISP/DPS), Legal Counsel (DPS), Lieutenant (RISP/DPS), Lt. Colonel (RISP/DPS), Major (RISP)			NA		
			Average % FTE Time Spent on Hearings		
			14%		
			Adjudication Time		
			60 to 360 days		

Public Safety continued.

Division or Department Name <i>If applicable</i>	Authority	Hearing Type(s)	Hearings in FY11	Hearings in FY12	Hearings in FY13
E-911 Uniform Emergency Telephone System Authority	RIGL§39-21-1; RIGL§42-35-1 et seq.	E-911 - Grievance Hearing	1	0	0
Personnel Type(s) Involved in Hearings		FTE Positions Conducting Hearings 14			
Captain (RISP/DPS), Chief Legal Counsel (DPS), Contracts Manager (E-911), Corporal (RISP/DPS), Legal Counsel (DPS), Lieutenant (RISP/DPS), Lt. Colonel (RISP/DPS), Major (RISP), Projects Manager (E-911)		Average % FTE Time Spent on Hearings 13%			
		Adjudication Time 60 to 90 days			
Division or Department Name <i>If applicable</i>	Authority	Hearing Type(s)	Hearings in FY11	Hearings in FY12	Hearings in FY13
Rhode Island State Police	RIGL§11-19-39; RIGL§42-35-1 et seq.	Bingo License Suspension or Removal Appeal Hearing	0	1	0
Personnel Type(s) Involved in Hearings		FTE Positions Conducting Hearings NA			
Chief Legal Counsel (DPS), Civilian Investigator (RISP), Legal Counsel (DPS), Major (RISP), Principal Projects Manager (DPS)		Average % FTE Time Spent on Hearings 12%			
		Adjudication Time 35 days			

Public Transit Authority (RIPTA)					
Division or Department Name <i>If applicable</i>	Authority	Hearing Type(s)	Hearings in FY11	Hearings in FY12	Hearings in FY13
-	Collective Bargaining Agreements	Grievance Hearings; and Pre-Conference Disciplinary Hearings	11	71	39
Personnel Type(s) Involved in Hearings		FTE Positions Conducting Hearings 4			
Director, Executive Director		Average % FTE Time Spent on Hearings 0.2% to 0.5%			
		Adjudication Time NA			

Division of Public Utilities Commission, Public Utilities and Carriers					
Division or Department Name <i>If applicable</i>	Authority	Hearing Type(s)	Hearings in FY11	Hearings in FY12	Hearings in FY13
-	RIGL§39-1 et seq, RIGL§39-2 et seq, RIGL§39-4 et seq, RIGL§39-12 et seq, RIGL§39-13 et seq, RIGL§39-14 et seq, RIGL§39-19 et seq, RIGL§39-26 et seq, RIGL§42-35 et seq	Applications for Certificates of Public Convenience and Certificates of Operating Authority; Authority to Issue Stocks, Bonds, Notes or Other Evidences of Indebtedness; Community Antenna Television Systems (Cable TV); Contract Approvals; Dig Safe Violations; Evidentiary Hearings Related to Personal Injuries and Deaths; Hackney Operator Permits; Non-Profit Affordable Housing Development for Energy Benefits; Petitions for Declaratory Rulings; Public Utility Contracts or Mergers; Rate Change Applications (Tariff Filings); Renewable Energy Projects; Rulemaking Hearings; Telecommunication Education Access Fund; Terminations of Utility Service; Transfers of Public Convenience and Certificates of Operating Authority; and Utility Related Hearings	948	906	876
Personnel Type(s) Involved in Hearings			FTE Positions Conducting Hearings		10
Assistant Director, Consumer Agent, Deputy Chief, Engineering Specialist II, Senior Legal Counsel			Average % FTE Time Spent on Hearings		40%
			Adjudication Time		1 to 540 days

Public Utilities Commission					
Division or Department Name <i>If applicable</i>	Authority	Hearing Type(s)	Hearings in FY11	Hearings in FY12	Hearings in FY13
-	RIGL§39-1-1 to 11, RIGL§42-98-7(c)	Licensing; Rate Making; and Rule Making	28	31	35
Personnel Type(s) Involved in Hearings			FTE Positions Conducting Hearings		
Administrative Assistant, Associate Director, Chairperson, Chief, Chief Director, Financial Analyst, Commissioner, Principal Policy Associate, Rate Analyst V, Senior Legal Counsel, Staff Attorney II			13		
			Average % FTE Time Spent on Hearings		
			85%		
			Adjudication Time		
			<1 day		

Department of Revenue					
Division or Department Name <i>If applicable</i>	Authority	Hearing Type(s)	Hearings in FY11	Hearings in FY12	Hearings in FY13
Motor Vehicles	RIGL§31-2 et seq. RIGL§31-3 et seq. RIGL§31-5 et seq. RIGL§31-8 et seq. RIGL§31-10 et seq. RIGL§31-11 et seq. RIGL§31-22 et seq. RIGL§31-23 et seq. RIGL§31-31 et seq. RIGL§31-38 et seq. RIGL§31-47 et seq.	Administrative Hearings; Preliminary Hearings; and Show Cause Hearings	604	599	536
Personnel Type(s) Involved in Hearings			FTE Positions Conducting Hearings		
NA			2		
			Average % FTE Time Spent on Hearings		
			15%		
			Adjudication Time		
			30 days		

Revenue continued.

Division or Department Name <i>If applicable</i>	Authority	Hearing Type(s)	Hearings in FY11	Hearings in FY12	Hearings in FY13
Municipal Finance	RIGL§44-34-8 to 11	Motor Vehicle Excise Tax Appeal; Public Hearing; and Rule Making	17	14	13
Personnel Type(s) Involved in Hearings			FTE Positions Conducting Hearings		
Senior Management and Methods Analyst, State Aid & Finance Specialist			NA		
			Average % FTE Time Spent on Hearings		
			NA		
			Adjudication Time		
			<1 day		
Division or Department Name <i>If applicable</i>	Authority	Hearing Type(s)	Hearings in FY11	Hearings in FY12	Hearings in FY13
Taxation	RIGL§442-35; RIGL§44-1-32	Administrative Hearings; Preliminary Hearings; and Show Cause Hearings	342	362	430
Personnel Type(s) Involved in Hearings			FTE Positions Conducting Hearings		
Chief of Examinations, Chief Revenue Agent, Hearing Officer, Principle Revenue Agent			40-55		
			Average % FTE Time Spent on Hearings		
			23%		
			Adjudication Time		
			NA		

