Statement in Lieu of Job Impact Statement for 12 NYCRR §§ 300.7(c), 300.9, 300.13(d), 300.18(f), 325-4.6(c), 326-1.5(b), 326-2.7, 330.4(b), 340.4(b) and 345.4(b).

The proposed rule will not have an adverse impact on existing jobs. Rather than requiring that hearings be recorded by stenographer in §§ 300.7(c), 300.9, 300.13(d), 300.18(f), 325-4.(c), 326-1.5(b), 326-2.7, 330.4(b), 340.4(b), and 345.4(b), the rule allows the Board to maintain the verbatim record in a readable, viewable, or audible format. This change will provide the Board flexibility to use other means of recording hearings, such as audio digital recordings, in addition to using verbatim reporters. The proposed regulation should have little to no affect on the verbatim reporters currently employed by the Board. The Board expects to continue to use their services to record and transcribe hearings. It is not clear what effect this rule will have on the employment of new verbatim reporters. The implementation of additional means of recording hearings may reduce the need to fill all of the unfilled verbatim reporter positions. As was fully developed at a hearing before the New York State Senate Standing Committee on Labor on October 6, 2009, the Board has had longstanding and intractable difficulties attracting verbatim reporters and retaining verbatim reporters. An important reason why the Board has so many unfilled positions is that verbatim reporters, especially downstate, leave the Board after a few years, four to five, for employment in higher-paying positions with the Office of Court Administration.