

NOTICES OF EMERGENCY RULEMAKING

Under the Administrative Procedure Act, an agency may determine that adoption, amendment, or repeal of a rule is necessary for immediate preservation of the public health, safety, or welfare and the notice and public participation requirements are impracticable. Under this determination, the agency may adopt the rule as an emergency and submit it to the Attorney General for review. The Attorney General approves the rule and then files it with the Secretary of State. The rule remains in effect for 180 days. An emergency rule may be renewed for one 180-day period if the requirements of A.R.S. § 41-1026 are met. If the emergency rule is not renewed or the rule is not permanently adopted by the end of the 180-day period, the emergency rule expires and the text of the rule returns to its former language, if any.

NOTICE OF EMERGENCY RULEMAKING

TITLE 13. PUBLIC SAFETY

CHAPTER 5. LAW ENFORCEMENT MERIT SYSTEM COUNCIL

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- 1. Sections Affected**

R13-5-101	Amend
R13-5-503	Amend
R13-5-513	Amend
- 2. The specific statutory authority for the rulemaking, including both the implementing and the authorizing statute:**

Authorizing statute: A.R.S. § 41-1830.12(A)
Implementing statutes: A.R.S. §§ 41-382(19)(a), 41-1714, 41-1830.11, 41-1830.12, 41-1830.13, and 41-1830.14
- 3. The effective date of the rules:**

March 4, 2004. Per A.R.S. § 41-1032, the immediate effectiveness of these rules will provide a benefit to the public and a penalty is not associated with a violation of the rule.
- 4. Is the rulemaking a renewal of a previous emergency rulemaking?**

No
- 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name:	Commander C. H. Johnston, Business Manager
Address:	Law Enforcement Merit System Council P.O. Box 6638 Phoenix, AZ 85005
Telephone:	(602) 223-2286
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E-mail:	Cjohnston@dps.state.az.us
- 6. An explanation of the rule, including the agency's reasons for initiating the rule:**

The Arizona Department of Administration will implement the new statewide Human Resources Information Solution (HRIS) System on December 29, 2003. Because HRIS cannot accommodate a monthly time accrual process, it will be necessary for the agencies under Council rules to convert to a biweekly accrual process encompassing both the annual and sick leave categories.
- 7. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable
- 8. The summary of the economic, small business, and consumer impact if this is a renewal of an emergency:**

Not applicable
- 9. Any other matters prescribed by statute that are applicable to the specific agency or to the specific set of rules:**

Not applicable
- 10. Incorporations by reference and their location in the rules:**

Not applicable

11. Justification for rules adoption as an emergency rule:

With the implementation of the new statewide HRIS System on December 29, 2003, Council rules must be amended immediately in order for agencies under Council rules to convert to a biweekly time accrual process, which is required by the HRIS System, rather than the monthly accrual process in place now.

12. Date of Attorney General's approval:

March 2, 2004

13. The full text of the rules follows:

TITLE 13. PUBLIC SAFETY

CHAPTER 5. LAW ENFORCEMENT MERIT SYSTEM COUNCIL

ARTICLE 1. GENERAL PROVISIONS

R13-5-101. Definitions

In this Chapter, unless otherwise specified, the following terms mean:

[There is no change to the terms before "Annual leave."]

"Annual Leave" means the leave time accrued ~~monthly~~ biweekly by an employee based on the number of years of state service and may include holiday leave and recognition leave.

[There is no change to the terms after "Annual leave."]

ARTICLE 5. EMPLOYEE LEAVE

R13-5-503. Annual Leave

A. No change

B. Accruing annual leave. ~~An employee in pay status for half of a month shall accrue annual leave.~~ A part-time employee scheduled to work 20 or more hours in a week shall accrue annual leave based on the percentage of full-time hours specified in the appointment. A part-time employee scheduled to work less than 20 hours in a week shall not accrue annual leave. A full-time employee shall accrue annual leave under the following schedule:

Beginning	Completion	Monthly <u>Biweekly</u> accrual rate
1st year	5th year	<u>4.62</u> 40 hours
6th year	10th year	<u>5.54</u> 42 hours
11th year	20th year	<u>6.47</u> 44 hours
21st year		<u>7.39</u> 46 hours

C. No change

D. No change

E. No change

F. No change

R13-5-513. Sick Leave

A. No change

1. No change

a. No change

b. No change

c. No change

2. No change

B. Accruing sick leave.

1. A full-time employee shall receive 4.62 ~~40~~ hours of sick leave biweekly ~~for each month of service.~~

2. No change

3. No change

4. No change

5. No change