

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

NOTICE OF PROPOSED RULEMAKING

TITLE 6. ECONOMIC SECURITY

CHAPTER 2. DEPARTMENT OF ECONOMIC SECURITY EMPLOYMENT AND TRAINING

Editor's Note: The following Notice of Proposed Rulemaking was reviewed per the Governor's Regulatory Review Plan memorandum, January 22, 2009 and the continuations issued April 30, June 29 and October 16, 2009. (See the memoranda in this issue on pages 1795 through 1797.) The Governor's Office authorized the notice to proceed through the rulemaking process on July 16, 2009.

[R09-98]

PREAMBLE

- 1. Sections Affected**
R6-2-203
- Rulemaking Action**
Repeal
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statute: A.R.S. §§ 41-1954; 46-134
Implementing statute: A.R.S. §§ 23-645 and 23-648
- 3. A list of all previous notices appearing in the Register addressing the proposed rule:**
Notice of Rulemaking Docket Opening: 15 A.A.R. 1388, August 28, 2009
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
Name: Beth Broeker
Address: Department of Economic Security
P.O. Box 6123, Site Code 837A
Phoenix, AZ 85005
or
Department of Economic Security
1789 W. Jefferson St., Site Code 837A
Phoenix, AZ 85007
Telephone: (602) 542-6555
Fax: (602) 542-6000
E-mail: bbroeker@azdes.gov
- 5. An explanation of the rule, including the agency's reasons for initiating the rule:**
In 2006, the U.S. Department of Labor sent a notice to all states notifying them that America's Job Bank would cease to be operational effective June 30, 2007. The notice stated that there was no need to continue and improve the site, "given that AJB duplicates what is already available in the private sector." The Department now operates an interstate clearance system called America's Job Exchange (AJE). Due to termination of the service at the federal level, the rules associated with America's Job Bank are no longer necessary.
- 6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

Not applicable

7. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

8. **The preliminary summary of the economic, small business, and consumer impact:**

Not applicable, as pursuant to A.R.S. § 41-1055(D)(3), an agency is not required to prepare an EIS for a rulemaking that decreases monitoring, recordkeeping or reporting burdens on agencies.

9. **The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Individuals requiring additional information should contact the person listed in item 4.

10. **The time, place, and nature of the proceedings for the making, amendment or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

The Department does not plan to hold oral proceedings on this rule unless a written request is submitted to the individual listed in item 4.

11. **Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

None

12. **Incorporations by reference and their location in the rules:**

None

13. **The full text of the rules follows:**

TITLE 6. ECONOMIC SECURITY

CHAPTER 2. DEPARTMENT OF ECONOMIC SECURITY EMPLOYMENT AND TRAINING

ARTICLE 2. EMPLOYMENT SERVICES PROVIDED BY THE DEPARTMENT

Section

R-2-203. ~~America's Job Bank~~ Repealed

ARTICLE 2. EMPLOYMENT SERVICES PROVIDED BY THE DEPARTMENT

~~R6-2-203.~~ ~~America's Job Bank~~ Repealed

- ~~A.~~ The Department shall recommend that an employer doing business in Arizona be denied access to America's Job Bank if:
- ~~1.~~ The employer is delinquent in the payment of unemployment insurance taxes; or
 - ~~2.~~ The position the employer is attempting to fill is vacant due directly to a strike, lockout, or other labor dispute or conflict between employers and workers, including wage disputes and collective bargaining efforts.
- ~~B.~~ An employer that is denied access to America's Job Bank may appeal the denial under ~~R6-2-103.~~

NOTICE OF PROPOSED RULEMAKING

TITLE 6. ECONOMIC SECURITY

CHAPTER 2. DEPARTMENT OF ECONOMIC SECURITY
CASH ASSISTANCE PROGRAM

Editor's Note: The following Notice of Proposed Rulemaking was reviewed per the Governor's Regulatory Review Plan memorandum, January 22, 2009 and the continuations issued April 30, June 29 and October 16, 2009. (See the memoranda in this issue on pages 1795 through 1797.) The Governor's Office authorized the notice to proceed through the rulemaking process on July 16, 2009.

[R09-97]

PREAMBLE

- | | |
|------------------------------------|---------------------------------|
| 1. <u>Sections Affected</u> | <u>Rulemaking Action</u> |
| R6-12-105 | Repeal |
| R6-12-1006 | Amend |
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing authority: A.R.S. § 41-1954
Implementing authority: A.R.S. § 46-134
- 3. A list of all previous notices appearing in the Register addressing the proposed rule:**
Notice of Rulemaking Docket Opening: 15 A.A.R. 1389, August 28, 2009
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
Name: Beth Broeker
Address: Department of Economic Security
P.O. Box 6123, Site Code 837A
Phoenix, AZ 85005
or
Department of Economic Security
1789 W. Jefferson St., Site Code 837A
Phoenix, AZ 85007
Telephone: (602) 542-6555
Fax: (602) 542-6000
E-mail: bbroeker@azdes.gov
- 5. An explanation of the rule, including the agency's reasons for initiating the rule:**
The EMPOWER (Employing and Moving People Off Welfare and Encouraging Responsibility) program was the first phase of welfare reform that began in 1995. The evaluation was completed in 1998. The rule governing the conduct of the evaluation is no longer necessary as it has been completed. The repeal of the rule related to the scheduling of hearings afforded to cash assistance recipients is necessary, as this timeline is no longer applicable.
- 6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
Not applicable
- 7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable
- 8. The preliminary summary of the economic, small business, and consumer impact:**
Not applicable, as pursuant to A.R.S. § 41-1055(D)(3), an agency is not required to prepare an EIS for a rulemaking that decreases monitoring, recordkeeping or reporting burdens on agencies.
- 9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Notices of Proposed Rulemaking

Individuals requiring more information may contact the individual listed in question 4.

10. The time, place, and nature of the proceedings for the making, amendment or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

The Department does not plan to hold oral proceedings on this rulemaking unless requested in writing to the individual named in item 4.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

12. Incorporations by reference and their location in the rules:

None

13. The full text of the rules follows:

TITLE 6. ECONOMIC SECURITY

CHAPTER 12. DEPARTMENT OF ECONOMIC SECURITY
CASH ASSISTANCE PROGRAM

ARTICLE 1. GENERAL PROVISIONS

Section

R6-12-105. ~~EMPOWER: Random Assignment Evaluation~~ Repealed

ARTICLE 10. APPEALS

Section

R6-12-1006. Hearings: Location; Notice; Time

ARTICLE 1. GENERAL PROVISIONS

R6-12-105. EMPOWER: Random Assignment Evaluation Repealed

- ~~A.~~ The Department shall randomly assign CA applicants and recipients who are served by the Glendale, Peoria, 67th Avenue, and Chinle FAA local offices into experimental, non-experimental and control groups for an evaluation of the EMPOWER project modifications approved by the U.S. Department of Health and Human Services pursuant to 42 U.S.C. 1315.
- ~~B.~~ The control group shall consist of at least 1,500 CA cases which are active on November 1, 1995, and at least 1,500 new CA applicant cases which are approved thereafter.
- ~~C.~~ The experimental and non-experimental groups are subject to the EMPOWER project provisions. The experimental and control groups will be used to evaluate the EMPOWER project.
- ~~D.~~ The following rules do not apply to an applicant or recipient who is assigned to the control group:
- ~~1. R6-12-308,~~
 - ~~2. R6-12-315,~~
 - ~~3. R6-12-318,~~
 - ~~4. R6-12-319, and~~
 - ~~5. R6-12-404.~~

ARTICLE 10. APPEALS

R6-12-1006. Hearings: Location; Notice; Time

- ~~A.~~ No change
- ~~B.~~ The Office of Appeals shall schedule the hearing at least 20 days, and no more than 45 days, from the date the appellant files the request for hearing with the local office.
- ~~C.~~ No change
- ~~D.~~ No change
- ~~1. No change~~
 - ~~2. No change~~
 - ~~3. No change~~
 - ~~4. No change~~