

NOTICES OF FINAL RULEMAKING

The Administrative Procedure Act requires the publication of the final rules of the state's agencies. Final rules are those which have appeared in the *Register* first as proposed rules and have been through the formal rulemaking process including approval by the Governor's Regulatory Review Council or the Attorney General. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Register* after the final rules have been submitted for filing and publication.

NOTICE OF FINAL RULEMAKING

TITLE 6. ECONOMIC SECURITY

CHAPTER 2. DEPARTMENT OF ECONOMIC SECURITY EMPLOYMENT AND TRAINING

Editor's Note: The following Notice of Final Rulemaking was reviewed per Laws 2009, 3rd Special Session, Ch. 7, § 28. (See the text of § 28 on page 512.) The Governor's Office authorized the notice to proceed through the rulemaking process on December 29, 2009.

[R10-31]

PREAMBLE

- | | |
|--|---|
| 1. <u>Sections Affected</u>
R6-2-203 | <u>Rulemaking Action</u>
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 and 46-134
Implementing statute: A.R.S. §§ 23-645 and 23-648
- 3. The effective date of the rules:**
March 2, 2010

The Department requests that the rule become effective immediately upon filing with the Office of the Secretary of State. This is consistent with § 41-1032(A)(4), which allows for the adoption of a rule to provide a benefit to the public when a penalty is not associated with a violation of the rule. Removing an obsolete rule from the *Arizona Administrative Code* will benefit the public by eliminating confusion resulting from an unnecessary regulation.
- 4. A list of all previous notices appearing in the Register addressing the final rule:**
Notice of Rulemaking Docket Opening: 15 A.A.R. 1388, August 28, 2009
Notice of Proposed Rulemaking: 15 A.A.R. 1784, October 30, 2009
- 5. 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
- 6. 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 (AJB) 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 uses an inter-

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state clearance system called Job Central National Labor Exchange. Due to termination of the service at the federal level, the rules associated with AJB are no longer necessary.

7. **A reference to any study relevant to the rule that the agency reviewed and either relied on or did not 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:**
None
8. **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
9. **The summary of the economic, small business, and consumer impact:**
The repeal of this rule does not have an adverse economic impact on the public. Pursuant to A.R.S. § 41-1055(D)(3), an agency is not required to prepare an Economic Impact Statement for a rulemaking that decreases monitoring, recordkeeping or reporting burdens on agencies.
10. **A description of the changes between the proposed rules, including supplemental notices, and the final rules (if applicable):**
Minor typographical and grammatical changes were made at the request of G.R.R.C. staff.
11. **A summary of the comments made regarding the rule and the agency response to them:**
The Department received no comments on this rulemaking.
12. **Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**
The Department is proceeding with this rulemaking under an exception from the regulatory moratorium imposed by Laws 2009, 3rd Special Session, Ch. 7, § 28.
13. **Incorporations by reference and their location in the rules:**
None
14. **Was this rule previously made as an emergency rule?**
No
15. **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

R6-2-203. ~~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.