

TITLE 6. ECONOMIC SECURITY

CHAPTER 1. DEPARTMENT OF ECONOMIC SECURITY

Authority: A.R.S. § 41-1954 et seq.

ARTICLE 1. PUBLIC PARTICIPATION IN RULEMAKING

Article 1 consisting of Sections R6-1-101 through R6-1-107 adopted effective September 22, 1988.

Former Article 1 renumbered as Article 2 effective September 22, 1988.

Section	
R6-1-101.	Rulemaking Docket and Record
R6-1-102.	Manner, Place, Time, and Form of Submissions
R6-1-103.	Petition for Adoption of a Rule
R6-1-104.	Proposed Rulemaking: Notices; Copy Fees; Fee Waiver
R6-1-105.	Oral Proceedings; Request for; Nature of
R6-1-106.	Petition for Delayed Effective Date
R6-1-107.	Written Criticisms of Existing Rules

ARTICLE 2. DEBT SETOFF

Former Article 1 consisting of Section R6-1-101 renumbered as Article 2, Section R6-1-201 effective September 22, 1988.

Section	
R6-1-201.	Request for Review
R6-1-202.	Review of Debt Setoff

ARTICLE 3. EXPIRED

Article 3, consisting of R6-1-301 through R6-1-309, expired under A.R.S. § 41-1056(E) at 10 A.A.R. 1165, effective October 31, 2003 (Supp. 04-1).

Section	
R6-1-301.	Expired
R6-1-302.	Expired
R6-1-303.	Expired
R6-1-304.	Expired
R6-1-305.	Expired
R6-1-306.	Expired
R6-1-307.	Expired
R6-1-308.	Expired
R6-1-309.	Expired

ARTICLE 4. FINGERPRINTING

Section	
R6-1-401.	Definitions
R6-1-402.	Provider Responsibilities
R6-1-403.	Exempt Providers
R6-1-404.	Effect of Certification Form Disclosures
R6-1-405.	Costs
R6-1-406.	Certification and Sanctions
R6-1-407.	Effect of Confirmed Proscribed Criminal History
R6-1-408.	Certification Expiration
R6-1-409.	Subsequent Offenses

ARTICLE 5. CIVIL RIGHTS

Article 5, consisting of Section R6-1-501, recodified from R6-3-103 effective February 13, 1996 (Supp. 96-1).

Section	
R6-1-501.	Civil Rights

ARTICLE 1. PUBLIC PARTICIPATION IN RULEMAKING

R6-1-101. Rulemaking Docket and Record

- A. The Department of Economic Security ("the Department") shall maintain the official public rulemaking docket and agency rulemaking record required by A.R.S. §§ 41-1021 and 41-1029 in the office of the Department's Associate Director, or that person's successor, in the Department's central headquarters in Phoenix. Any person may review the docket and record Monday through Friday from 8:00 a.m. to 5:00 p.m., except on state holidays.
- B. Any person who reviews a rulemaking docket or record shall sign a log which shall contain the following information:
1. The person's name, current address, and daytime telephone number;
 2. The name of any partnership, corporation, association, governmental subdivision or unit of a governmental subdivision, a public or private organization of any nature, or another agency that the person is representing as a registered lobbyist or otherwise;
 3. The docket or record which the person is reviewing;
 4. Whether the person is requesting the records for a commercial purpose;
 5. The date of review; and
 6. The person's signature.

Historical Note

Former Section R6-1-101 renumbered as R6-1-201; new Section R6-1-101 adopted effective September 22, 1988 (Supp. 88-3). Amended effective December 22, 1993 (Supp. 93-4).

R6-1-102. Manner, Place, Time, and Form of Submissions

- A. All petitions, requests, submissions, criticisms, or other materials submitted to the Department with regard to rulemaking shall be filed in original form. Copies of referenced material and material incorporated by reference may be filed pursuant to R6-1-103(B)(5).
- B. All writings shall be legibly handwritten or typed on 8 1/2" by 11" white paper.
- C. With the exception of writings submitted during an oral proceeding pursuant to R6-1-105(D), all documents shall be filed directly with the Division of Administrative Services.
- D. Any document shall be deemed received when the Division of Administrative Services affixes a "received" date stamp on it.

Historical Note

Adopted effective September 22, 1988 (Supp. 88-3). Amended effective December 22, 1993 (Supp. 93-4).

R6-1-103. Petition for Adoption of a Rule

- A. Any person may ask the Department to adopt a new rule or to amend or repeal an existing rule pursuant to A.R.S. § 41-1003 by filing a written petition with the Department's Director.
- B. The petition shall contain:
1. The petitioner's name, current address, and daytime telephone number;
 2. The name of any partnership, corporation, association, governmental subdivision or unit of a governmental subdivision, a public or private organization of any nature, or another agency that the petitioner is representing as a registered lobbyist or otherwise;

3. The specific language of the rule which the person wishes the Department to adopt, amend, or repeal;
 4. The reasons for the request including the reasons why any existing rule is inadequate, unreasonable, unduly burdensome, or otherwise improper;
 5. A copy of any material which is referenced or otherwise incorporated in the petition; and
 6. The signature of the petitioner.
- C. Upon receipt of a petition, the Director's Office shall stamp the petition to indicate the date of receipt.
- D. No later than 60 days after receipt of a petition, the Department shall send the petitioner written notice of the action taken on the petition.

Historical Note

Adopted effective September 22, 1988 (Supp. 88-3).

Amended effective December 22, 1993 (Supp. 93-4).

R6-1-104. Proposed Rulemaking: Notices; Copy Fees; Fee Waiver

- A. A person who wishes to obtain a notice of the establishment of a rulemaking docket pursuant to A.R.S. § 41-1021(C), or a notice of proposed rulemaking pursuant to A.R.S. § 41-1022(C) shall file a written request for such notice with the Department. The request shall contain:
1. The name and address of the requestor;
 2. A statement describing the nature of the notice being requested, directed either to proposed rulemaking in general or to specific rules or subject matter; and
 3. The signature of the requestor.
- B. The Office of the Department's Associate Director, or that person's successor, shall maintain a mailing list of all docket requests and requests for notice of proposed rulemaking. Requestors shall renew the request for notice by January 30 of each even-numbered year or the Department shall purge the request. It shall be the responsibility of the requestor to keep current any address and information filed with the Division.
- C. The Department shall charge a fee of 25¢ per page to cover the actual costs of providing the requested information.
- D. The Department may waive the fee described in subsection (C) when:
1. The requestor demonstrates that payment of the fee would cause the requestor financial hardship; or
 2. The Department is voluntarily providing information to a person who or an entity which has not requested it, for the purpose of receiving comment from that person or entity.

Historical Note

Adopted effective September 22, 1988 (Supp. 88-3).

Amended effective December 22, 1993 (Supp. 93-4).

R6-1-105. Oral Proceedings; Request for; Nature of

- A. Oral proceedings scheduled pursuant to A.R.S. § 41-1023(A) shall be held in each of the districts established pursuant to A.R.S. § 41-1961.
- B. A written request for oral proceedings filed with the Department pursuant to A.R.S. § 41-1023(B) shall contain:
1. The name, current address, and daytime telephone number of each requestor;
 2. The name of any partnership, corporation, association, governmental subdivision or unit of a governmental subdivision, a public or private organization of any nature, or another agency that the requestor is representing as a registered lobbyist or otherwise;
 3. A statement identifying the rule for which the oral proceeding is requested; and
 4. The signature of each requestor.

- C. The petition may contain a proposed location for such proceeding. If such a location is included, the petition shall also explain how the proposed location will afford interested members of the public a reasonable opportunity to participate.
- D. Oral proceedings shall be conducted by a presiding officer in an informal manner and without adherence to the procedures of a trial-type or evidentiary hearing, as described in this subsection.
1. A person may make an oral presentation without being placed under oath or affirmation.
 2. Any person who makes an oral presentation shall fill out a speaker's registration card prior to speaking.
 3. The presiding officer shall conduct the proceeding in a way which avoids undue repetition and assures a reliable record on any proposed rulemaking.
 4. Any person may file a written submission at an oral proceeding, in addition to or in lieu of oral presentations.
 5. Prior to taking oral presentations, the presiding officer shall summarize the contents of the rule under consideration and the economic impact and small business statements filed with the rule.
 6. Prior to the close of the record of the oral proceeding, the presiding officer shall summarize all subsequent rule-making steps, procedures, and time-frames.

Historical Note

Adopted effective September 22, 1988 (Supp. 88-3).

Amended effective December 22, 1993 (Supp. 93-4).

R6-1-106. Petition for Delayed Effective Date

- A. A person may petition the Department pursuant to A.R.S. § 41-1032(2) to delay the effective date of a rule.
- B. A petition for delayed effective date shall contain:
1. The petitioner's name, current address, and daytime telephone number;
 2. The name of any partnership, corporation, association, governmental subdivision or unit of a governmental subdivision, a public or private organization of any nature, or another agency that the petitioner is representing as a registered lobbyist or otherwise;
 3. A statement describing the effect the rule may have on the petitioner, and the reason why delaying the effective date of a rule to a specified date will lessen or eliminate that effect;
 4. The reasons why the public will not be harmed by the later effective date; and
 5. The signature of the petitioner.
- C. The Department shall mail the petitioner written notice of the Department's determination regarding the petition.

Historical Note

Adopted effective September 22, 1988 (Supp. 88-3).

Amended effective December 22, 1993 (Supp. 93-4).

R6-1-107. Written Criticisms of Existing Rules

The Department shall retain written criticisms of existing rules which have been filed with the Department and shall consider such writings when conducting the five-year review required by A.R.S. § 41-1054.

Historical Note

Adopted effective September 22, 1988 (Supp. 88-3).

Amended effective December 22, 1993 (Supp. 93-4).

ARTICLE 2. DEBT SETOFF

R6-1-201. Request for Review

- A. A person indebted to the Department of Economic Security ("the Department"), who has had all or part of the debt set off

pursuant to A.R.S. §§ 5-525(C) or 42-133(E) (“the debtor”), may request a review of the setoff.

- B.** The request for review shall:
1. Be in writing;
 2. Be filed with the Department office which set off the debt, at the address indicated on the notice of debt setoff (“the notice”), no later than 30 days after the mailing date of the notice;
 3. List any prior judicial or administrative proceedings regarding the debt;
 4. Set forth all reasons why the setoff is inaccurate or improper;
 5. Be signed by the debtor or the debtor’s authorized representative; and
 6. Have an attached copy of the notice of debt setoff.
- C.** As used in this Section, the date of the notice of debt setoff shall be the following dates, as applicable to the debtor:
1. The date that the State Lottery Office gives the debtor a written statement of winnings indicating the amount of the setoff; or
 2. The date of the written notice generated by the Department, advising the debtor of the setoff.
- D.** Notwithstanding subsection (B), the Department may consider a timely request for review which does not include all the documentation listed in subsection (B) if:
1. The debtor has good cause for failing to provide the information, and
 2. The lack of information does not substantially prejudice the Department’s ability to evaluate the request.

Historical Note

Adopted as an emergency effective March 2, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days. Former Section R6-1-101 adopted as an emergency effective March 2, 1984 now adopted without change as a permanent rule effective April 30, 1984 (Supp. 84-2). Former Section R6-1-101 renumbered without change as R6-1-201 (Supp. 88-3). Amended and subsections (B)(2) through (C) renumbered to Section R6-1-202 effective December 22, 1993 (Supp. 93-4).

R6-1-202. Review of Debt Setoff

- A.** The Director of the Department of Economic Security shall appoint representatives who shall conduct the review in accordance with A.R.S. §§ 5-525 or 42-133, as applicable, and in a manner which will observe the substantial rights of the debtor.
- B.** The Department shall limit the scope of its review to the identity of the debtor and the amount of the debt setoff when the validity of the debt was established by judicial review in a court of competent jurisdiction, agency hearing, or final administrative decision made in accordance with the law. If it is found that the debt was not established in accordance with one of the foregoing methods listed in this subsection, the setoff action shall be stayed and remanded to the appropriate Department authority for resolution. Unless otherwise prohibited by law, the Department may correct clerical errors that have occurred in the administration of the debt setoff.
- C.** In reviewing the debt setoff, the Department shall consider all relevant evidence, including, without limitation, evidence submitted by the debtor and the documents and records in the Department’s files.
- D.** The Department shall dispose of a request for review by:
1. Dismissal, if the debtor fails to state with specificity in the request for review why the debt does not exist or why the amount of debt is incorrect;

2. Withdrawal, if the debtor withdraws the request for review in writing at any time before the Department issues a decision; or
 3. Decision.
- E.** Every decision shall be in writing and shall be mailed to the last known address of the debtor or the debtor’s authorized representative.
- F.** The Department’s decision is final unless the debtor files a petition for judicial review with the Superior Court within 35 days of the date the decision is mailed to the debtor as provided in A.R.S. § 12-904. A debtor who files a petition for review shall mail a copy to the Department office which issued the decision.

Historical Note

Renumbered from R6-1-201(B)(2) through (C) and amended effective December 22, 1993 (Supp. 93-4).

ARTICLE 3. EXPIRED

Article 3, consisting of R6-1-301 through R6-1-309, expired under A.R.S. § 41-1056(E) at 10 A.A.R. 1165, effective October 31, 2003 (Supp. 04-1).

R6-1-301. Expired

Historical Note

Adopted effective October 11, 1989 (Supp. 89-4). Amended effective December 22, 1993 (Supp. 93-4). Section expired under A.R.S. § 41-1056(E) at 10 A.A.R. 1165, effective October 31, 2003 (Supp. 04-1).

R6-1-302. Expired

Historical Note

Adopted effective October 11, 1989 (Supp. 89-4). Section expired under A.R.S. § 41-1056(E) at 10 A.A.R. 1165, effective October 31, 2003 (Supp. 04-1).

R6-1-303. Expired

Historical Note

Adopted effective October 11, 1989 (Supp. 89-4). Amended effective December 22, 1993 (Supp. 93-4). Section expired under A.R.S. § 41-1056(E) at 10 A.A.R. 1165, effective October 31, 2003 (Supp. 04-1).

R6-1-304. Expired

Historical Note

Adopted effective October 11, 1989 (Supp. 89-4). Amended effective December 22, 1993 (Supp. 93-4). Section expired under A.R.S. § 41-1056(E) at 10 A.A.R. 1165, effective October 31, 2003 (Supp. 04-1).

R6-1-305. Expired

Historical Note

Adopted effective October 11, 1989 (Supp. 89-4). Amended effective December 22, 1993 (Supp. 93-4). Section expired under A.R.S. § 41-1056(E) at 10 A.A.R. 1165, effective October 31, 2003 (Supp. 04-1).

R6-1-306. Expired

Historical Note

Adopted effective October 11, 1989 (Supp. 89-4). Amended effective December 22, 1993 (Supp. 93-4). Section expired under A.R.S. § 41-1056(E) at 10 A.A.R. 1165, effective October 31, 2003 (Supp. 04-1).

R6-1-307. Expired**Historical Note**

Adopted effective October 11, 1989 (Supp. 89-4).
Amended effective December 22, 1993 (Supp. 93-4).
Section expired under A.R.S. § 41-1056(E) at 10 A.A.R.
1165, effective October 31, 2003 (Supp. 04-1).

R6-1-308. Expired**Historical Note**

Adopted effective October 11, 1989 (Supp. 89-4).
Amended effective December 22, 1993 (Supp. 93-4).
Section expired under A.R.S. § 41-1056(E) at 10 A.A.R.
1165, effective October 31, 2003 (Supp. 04-1).

R6-1-309. Expired**Historical Note**

Adopted effective October 11, 1989 (Supp. 89-4).
Amended effective December 22, 1993 (Supp. 93-4).
Section expired under A.R.S. § 41-1056(E) at 10 A.A.R.
1165, effective October 31, 2003 (Supp. 04-1).

ARTICLE 4. FINGERPRINTING**R6-1-401. Definitions**

In this Article, unless the context otherwise requires:

1. "Certification" means a status conferred by the Department upon personnel who have submitted required materials for fingerprint clearance, and who have been accordingly cleared, permitting them to provide services either with supervision or without supervision to juveniles.
2. "Certification form" means the notarized criminal history disclosure submitted to the Department as required by A.R.S. § 46-141(D).
3. "Department" means the Arizona Department of Economic Security.
4. "Direct visual supervision" means within sight and hearing of provider personnel with full certification.
5. "Full certification" means that personnel are certified to provide service directly to juveniles without supervision.
6. "Juvenile" means an individual who is under 18 years of age.
7. "License" means the whole or part of a Department permit, certificate, registration, or similar form of permission or authorization required by law but shall not include foster home licenses, child care home certifications, adoptive home certifications or licenses for facilities for developmentally disabled persons.
8. "Provider" means a federally recognized Indian tribe, county, political subdivision, military base, person, corporation, partnership or association with whom the Department contracts, or which the Department licenses, to provide services.
9. "Provider personnel" or "personnel" means paid or unpaid persons who have direct contact with juveniles and provide direct services to juveniles for a provider, including consultants, subcontractors, volunteers, students and persons otherwise affiliated with the provider.
10. "Restricted certification" means that personnel are certified to provide services to juveniles with supervision as authorized by A.R.S. § 46-141(G).
11. "Sanction" means denial, cancellation, revocation or termination of a license or contract.
12. "Services directly to juveniles" means in-person interaction between the personnel and the juvenile client.

13. "Supervision" means within sight and hearing at all times of a supervisor with full certification when providing services of any nature directly to juveniles, including psychological, medical or any ancillary services.

Historical Note

Adopted effective December 2, 1992 (Supp. 92-4).

R6-1-402. Provider Responsibilities

- A. A provider shall submit to the Department the fingerprints, the completed certification form, the processing fee and any other documents required by the Department before provider personnel are allowed or required to provide services directly to juveniles.
- B. If a provider does not submit all the documents or the certification form required in subsection (A) above or submits incomplete documents, the Department shall return the documents to the provider. The provider shall prohibit personnel from providing services directly to juveniles until all the documents are completed and resubmitted to the Department.
- C. If personnel have been certified by the Department of Health Services, the Supreme Court or the Department of Youth Treatment and Rehabilitation to work for the provider, the provider shall submit a copy of the certification to the Department. That certification shall satisfy the certification requirements of this Article.
- D. A provider shall maintain a list of names of volunteers who will work only under direct visual supervision. The list shall be made available to the Department upon request.

Historical Note

Adopted effective December 2, 1992 (Supp. 92-4).

R6-1-403. Exempt Providers

A federally recognized Indian tribe or military base provider is exempt from the provisions of this Article except R6-1-405 if the provider certifies in accordance with A.R.S. § 46-141(H).

Historical Note

Adopted effective December 2, 1992 (Supp. 92-4).

R6-1-404. Effect of Certification Form Disclosures

- A. Personnel who disclose conviction of, commission of or pending trial for an offense listed in A.R.S. § 46-141(F) shall not be allowed to provide services to juveniles.
- B. Personnel who disclose a conviction of or a pending trial for an offense listed in A.R.S. § 46-141(G) shall not be allowed to provide services directly to juveniles without supervision pending completion of the criminal history verification. Services may be provided with supervision.
- C. Personnel who disclose no convictions, pending trials or commission of any offenses listed in A.R.S. § 46-141(D) may provide services directly to juveniles without supervision pending completion of the criminal history verification.

Historical Note

Adopted effective December 2, 1992 (Supp. 92-4).

R6-1-405. Costs

If the Department allows the costs of fingerprint checks as an allowable cost when negotiating a contract, the provider shall not then charge the cost of fingerprinting to its personnel.

Historical Note

Adopted effective December 2, 1992 (Supp. 92-4).

R6-1-406. Certification and Sanctions

- A. The Department shall grant certification to provider personnel whose criminal records check discloses no criminal history as proscribed by A.R.S. § 46-141.

Department of Economic Security

- B. The Department shall deny certification to personnel who disclose, or whose criminal history check shows, that they have committed, been convicted of or are awaiting trial for any offense listed in A.R.S. § 46-141(F).
 - C. The Department shall grant restricted certification to personnel who disclose, or whose criminal records check shows, that they have been convicted of or are awaiting trial for any offense listed in A.R.S. § 46-141(G).
 - D. Personnel who are awaiting trial on any of the crimes listed in A.R.S. § 46-141, and whose certification is denied or restricted as a result of the pending charges, may, upon a showing of acquittal, dismissal, or conviction of a lesser nonlisted crime, resubmit pursuant to R6-1-402.
 - E. The Department shall notify the provider and provider's personnel of the denial of certification or the granting of full or restricted certification. A provider which places provider personnel who have disclosed a criminal history on the certification form which would allow only a restricted certification in a job position requiring or allowing the personnel to provide services directly to juveniles without supervision shall be subject to sanction.
 - F. A provider which allows volunteers who are exempted from the certification requirements by A.R.S. § 46-141(I) to provide services to juveniles without direct visual supervision shall be subject to sanction.
 - G. A provider which fails to provide direct visual supervision at all times of volunteers exempted from the certification requirements by A.R.S. § 46-141(I) shall be subject to sanction.
 - H. A provider which fails to provide supervision at all times to personnel granted a restricted certification pursuant to A.R.S. § 46-141 shall be subject to sanction.
- 2. The provider shall immediately prohibit the person from acting in any capacity requiring or allowing contact with juveniles.
 - B. The provider shall notify the Department, in writing, within three working days after the provider receives information that any person who has been certified has been convicted of, or is awaiting trial for, any criminal offense listed in A.R.S. § 46-141(G).
 - 1. The certification of the person shall be immediately revoked under the provisions of R6-1-408(B).
 - 2. The provider shall immediately prohibit the person from acting in any capacity requiring or allowing unsupervised contact with juveniles.
 - C. Failure to notify the Department as required in subsections (A) and (B) above shall subject the provider to sanction.

Historical Note

Adopted effective December 2, 1992 (Supp. 92-4).

ARTICLE 5. CIVIL RIGHTS**R6-1-501. Civil Rights**

- A. Statement of compliance: Pursuant to the provisions of the Civil Rights Act of 1964, no person in the state of Arizona will be excluded from participation in, denied the benefits of, or subjected to discrimination under assistance payments programs on the basis of race, color, religion, sex, or national origin. The Department shall administer such programs in accordance with the laws, regulations, policies, and practices enumerated in the subsections below.
- B. Definition of compliance: The Department shall follow policies and practices including, but not limited to, those described below.
 - 1. No individual will, on the basis of race, color, religion, sex, or national origin, be denied any benefit provided under an assistance payment program, or be provided a benefit which is different, or in a different manner, from that provided to others under the same program.
 - 2. No individual will, on the basis of race, color, religion, sex, or national origin, be subjected to segregation or separate treatment in any manner related to receipt of any benefit under an assistance payments program, nor will an individual be restricted in any way from any advantage or privilege enjoyed by others receiving benefits under the same program. This includes any distinction with respect to spaces provided for service, waiting rooms, and restrooms. Neither will separate times be set aside on the basis of race, color, religion, sex, or national origin for the provision of assistance.
 - 3. Employees of the Department will not be assigned case-loads or clientele on the basis of race, color, religion, sex, or national origin of the persons being assisted.
 - 4. Criteria or methods of administration shall not subject individuals to discrimination or defeat or substantially impair the objectives of an assistance payments program on the basis of the individual's race, color, religion, sex, or national origin.
 - 5. The Department shall conduct assistance payments programs in accordance with the requirements of existing laws and regulations, which shall extend not only to those activities which are conducted directly by the Department but also to all related activities which are conducted by other agencies, institutions, organizations, political subdivisions, and vendors.
 - 6. The Department shall maintain records and submit reports as required by federal authorities to assure compliance with regulations. During normal business hours of the Department, access will be permitted to its facilities.

Historical Note

Adopted effective December 2, 1992 (Supp. 92-4).

R6-1-407. Effect of Confirmed Proscribed Criminal History

- A. Denial: Upon notification by the Department of denial of certification, the provider shall immediately prohibit those personnel from providing services in any capacity allowing provision of direct services to juveniles, or the employer's license or contract shall be subject to sanction.
- B. Restriction: Upon notification by the Department of restricted certification, the provider shall prohibit these personnel from unsupervised contact with juveniles or the provider's license or contract shall be subject to sanction.

Historical Note

Adopted effective December 2, 1992 (Supp. 92-4).

R6-1-408. Certification Expiration

- A. A certification is valid for the full period of time that personnel are continuously employed by, or volunteer for, the provider unless it is revoked.
- B. A certification shall be revoked if the Department receives information that provider personnel have been convicted of, committed, or are awaiting trial for an offense listed in A.R.S. § 46-141.

Historical Note

Adopted effective December 2, 1992 (Supp. 92-4).

R6-1-409. Subsequent Offenses

- A. The provider shall notify the Department in writing within three working days after the provider receives information that any person who has been certified has committed, been convicted of, or is awaiting trial for any criminal offense listed in A.R.S. § 46-141(F).
 - 1. The certification of the person shall be immediately revoked under the provisions of R6-1-408(B).

ties, records, and other sources of information as may be pertinent to as certain compliance with regulations.

7. The Department will make available to applicants, recipients, and public officials that information required by federal authorities to appraise such persons of the protections against discrimination assured them by the Civil Rights Act of 1964.

C. Methods of administration.

1. The Department shall inform and instruct its staff of obligations under the Civil Rights Act of 1964, existing regulations, and the Statement of Compliance by:
 - a. Making copies of all pertinent documents available to the entire staff.
 - b. Conducting, as a regular part of the In-service Training Program:
 - i. Meetings to explain to all staff personnel the intent and meaning of such documents and to instruct them in their obligation to carry out the policies contained therein.
 - ii. Orientation of new staff personnel regarding their responsibilities to comply with the Civil Rights Act of 1964.
 - iii. Periodic reminders of Civil Rights Act requirements in appropriate staff meetings and memoranda or other official correspondence.
 - iv. Cultural awareness training to all staff personnel concerning ethnic differences among various groups residing in Arizona who comprise the Department's clientele.
 - v. Constant review of practices and policies to assure that no individual is discriminated against because of race, color, religion, sex, or natural origin.
2. The Department will inform and instruct other appropriate agencies, institutions, organizations, political subdivisions, and vendors of their obligations to comply with the Civil Rights Act of 1964, existing regulations, and the Statement of Compliance filed by the Department as a condition to their initial or continued financial participation in any assistance payments program. This will be accomplished by:
 - a. Making clear the requirements of the Civil Rights Act and implementing regulations and policies to fulfill these requirements.
 - b. Determining that the agency, institution, organization, political subdivision, or vendor has executed an assurance in the form prescribed by federal authorities which is currently effective and applicable to the program under which the activity is conducted. This includes the use of memoranda which verifies specific obligations and undertakings or certification of compliance on each voucher presented to the Department for payment. Regular on-the-spot checks will be made by the Department's staff to assure compliance by any other agency, institution, organization, political subdivision, or vendor participating in an assistance payments program.
 - c. The Department will inform its clientele and other interested persons that financial assistance and other program benefits are provided on a non-discriminatory basis and of their right to file a complaint with the Department, the federal authorities, or both, if they believe that discrimination on the basis of race, color, religion, sex, or national origin is practiced. Informing clientele will be accomplished by furnish-

ing a written notice and the Statement of Compliance to all clientele and other interested persons.

- d. All complaints alleging discrimination because of race, color, religion, sex, or national origin shall be filed in writing, shall describe the type of discrimination alleged, indicate when and where such alleged discrimination occurred, and describe any pertinent facts and circumstances relating to the alleged discrimination. The complaint shall be signed by the complainant. All complaints shall be addressed to the Director of the Department of Economic Security, who will initiate a thorough investigation through established procedure. After the complaint has been investigated, the Director shall determine whether or not any discriminatory practice has occurred. If appropriate, the Director will take such action as the Director deems necessary to correct past practices and prevent future recurrence of such discrimination. The Department shall cease making referrals or vendor payments to any entity which does not fully comply with the Civil Rights Act of 1964. The complainant shall be advised in writing of the Department's determination regarding the complaint.
 - i. The Department will maintain a file of approved facilities, agencies, resources, and vendors who have executed Statements of Compliance with the Civil Rights Act of 1964. Verified complaints will be referred by the Department for corrective action. If, after a reasonable time, such corrective action has not been taken, the Department will advise and remove the facility, agency, or vendor from its approved list of resources.
 - ii. The Department will maintain adequate records to show action taken as a result of each complaint and will make this information available to appropriate federal authorities.
 - iii. Department employees who receive anonymous verbal complaints are required to report them to their supervisor. The supervisor will decide upon further action to be taken in such cases.
- e. At least once each year, or more frequently for those cases in which discriminatory practices are alleged or suspected, a representative of the Department will visit institutions, organizations, political subdivisions, or vendors who participate in a program to verify that their practices conform to the Civil Rights Act and the regulations issued pursuant thereto and as reflected in the Statement of Compliance. The Department will periodically determine if discriminatory practices are engaged in by its personnel and will take corrective action as required to ensure that actions are in compliance with the Civil Rights Act and regulations issued pursuant thereto, as reflected in the Statement of Compliance.
- f. Policies and procedures will provide effective verbal and written communication with non-English-speaking applicants and recipients. These policies and procedures will be made known to all Department employees. Supervisors will be required to ensure that their staff complies with such policies and procedures.

Department of Economic Security

- g. Assistance payments program information will be disseminated to the general public, using appropriate and effective media to reach minority populations.
- h. Department advisory committees will include representatives of racial and ethnic minority groups to the extent feasible.
- i. The Department shall provide data revealing the extent to which members of minority groups are beneficiaries of, participants in, or both, federally funded assistance payments programs.

Historical Note

R6-1-501 recodified from R6-3-103 effective February 13, 1996 (Supp. 96-1).