TITLE 6. ECONOMIC SECURITY

CHAPTER 2. DEPARTMENT OF ECONOMIC SECURITY
EMPLOYMENT AND TRAINING

(Authority: A.R.S. § 41-1954 et seq.)

ARTICLE 1. GENERAL PROVISIONS

Article 1, consisting of Sections R6-2-101 through R6-2-103, adopted effective December 20, 1994 (Supp. 94-4).

Article 1, consisting of Sections R6-2-101 through R6-2-112, repealed effective December 20, 1994 (Supp. 94-4).

ARTICLE 2. EMPLOYMENT SERVICES PROVIDED BY THE DEPARTMENT

Article 2, consisting of Sections R6-2-201 through R6-2-210, adopted effective December 20, 1994 (Supp. 94-4).

Article 2, consisting of Sections R6-2-201 through R6-2-210, repealed effective December 20, 1994 (Supp. 94-4).

ARTICLE 3. REPEALED

Article 3, consisting of Sections R6-2-301 through R6-2-304, repealed by final rulemaking at 5 A.A.R. 2155, effective June 18, 1999 (Supp. 99-2).

Article 3, consisting of Sections R6-2-301 through R6-2-304, adopted effective December 20, 1994 (Supp. 94-4).

Article 3, consisting of Sections R6-2-301 through R6-2-303, repealed effective December 20, 1994 (Supp. 94-4).

ARTICLE 4. OTHER EMPLOYMENT SERVICES AND PROGRAMS

Article 4, consisting of Sections R6-2-401 and R6-2-402, adopted effective December 20, 1994 (Supp. 94-4).

Article 4, consisting of Sections R6-2-401 through R6-2-409, repealed effective December 20, 1994 (Supp. 94-4).

ARTICLE 5. RESERVED

ARTICLE 6. REPEALED

Article 6, consisting of Sections R6-2-601 through R6-2-620, repealed effective July 30, 1993 (Supp. 93-3).

ARTICLE 1. GENERAL PROVISIONS

R6-2-101. Definitions
The following definitions apply to this Chapter:

1. “America’s Job Bank” means a nationwide computer database linking more than 1800 local Employment Service offices. The services of America’s Job Bank are available to job seekers and employers via the Internet.

2. “Applicant” means a person who has applied to the Department for worker services and who is a United States citizen or a non-citizen who is legally authorized to work in the United States.

3. “Apprentice” means a worker who is at least age 16 if a higher minimum age standard is otherwise fixed by law, who is employed to learn a skilled trade under standards of apprenticeship that meet the requirements of 29 CFR 29.5 (Office of the Federal Register, National Archives and Records Administration, July 1, 1998), which is incorporated by reference in this rule. This incorporation by reference does not include any later amendments or editions. Copies of the incorporated material are available for inspection at the Department’s Authority Library, 1789 West Jefferson, Phoenix, Arizona, and in the Office of the Secretary of State, Public Service Department, 1700 West Washington, Phoenix, Arizona.

4. “Apprenticeship agreement” means a written agreement between an apprentice and an employer or a committee acting on behalf of the employer, containing the terms and conditions for employment of the apprentice.

5. “Apprenticeship program” means a plan containing all terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices.

6. “Apprenticeship program registration” means the acceptance and centralized recording of an apprenticeship program by the ESA that meets the basic standards and requirements established for apprenticeship programs under federal law.

7. “Apprenticeship program sponsor” means a person, association, committee, or organization operating an apprenticeship program and in whose name the program is registered and approved.

8. “BFOQ” or “bona fide occupational qualification” means a finding by an employer that age, sex, national origin, or religion is a characteristic necessary to an individual’s ability to perform the job.


10. “DOT” or “Dictionary of Occupational Titles” means the reference work published by the United States Employm
ment Service, which contains brief, non-technical definitions of job titles, distinguishing numeric codes, and worker trait data.

11. “Disabled veteran” means:
   a. A veteran who is entitled to compensation under laws administered by the United States Secretary of Veterans Affairs, or
   b. A person who is discharged or released from active military duty because of a service-connected disability.

12. “Employer job referral services” means Department activities that help an employer obtain workers with the occupational qualifications needed by the employer.

13. “Employment counseling” means formulation of a vocational plan that is consistent with a person’s vocational skills and interests, and advice on appropriate measures for implementation of that plan.

14. “Employment test” means a standardized method or device for measuring a person’s possession of, interest in, or ability to acquire job skills and knowledge.

15. “ESA” or “Employment Security Administration” means the administrative unit within the Department’s Division of Employment and Rehabilitation Services with responsibility for all worker and employer services.


17. “Geographic labor clearance” means Department efforts to facilitate labor mobility by encouraging and guiding migration of workers between geographical areas.

18. “Industrial analysis services” means Department activities to assist employers and labor organizations in determining the cause of worker resource problems in a particular business, and provision of information developed by the USES for resolving such problems.

19. “Job bank” means a computerized list of all currently available jobs and employment opportunities listed with the Department.

20. “Job development” means the process by which the Department obtains a job or interview with an employer for a specific applicant for whom the local ESA office has no suitable job opening on file.

21. “Job order” means a request by an employer for the referral of job seekers made available to job seekers via the Department’s Job Bank.


23. “Labor market area” means a geographic area consisting of a central city, or group of cities, and the surrounding territory within a reasonable commuting distance.

24. “Major life activities” means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

25. “Occupational labor clearance” means Department efforts to facilitate labor mobility by encouraging and guiding migration of workers between occupations and industry types.

26. “Older worker” means a person age 40 or older who is working or who is unemployed and wishes to work.

27. “Person with a disability” or “disabled worker” means a person who:
   a. Has a physical or mental impairment that substantially limits 1 or more of that person’s major life activities;
   b. Has a record of such an impairment; or
   c. Is regarded as having such an impairment.

28. “Physical or mental impairment” means:
   a. Any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting 1 or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin, and endocrine; or
   b. Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

29. “Placement” means that a public or private employer has hired an applicant that the Department referred to the employer for a job or interview.

30. “Qualified worker” means a worker who possesses the skills, knowledge, and abilities to perform the essential functions of a job.

31. “Reasonable accommodation” means a modification of, or an adjustment to a process, position, or term of employment, that will permit a disabled worker to enjoy the same benefits and privileges of employment as those enjoyed by persons without disabilities.

32. “Substandard work order” means a work order:
   a. Containing employment terms that violate employment-related laws, or
   b. Offering work at wages or conditions that are substantially inferior to those generally prevailing in the labor market area for the same or similar work.

33. “Substantially limits” when used in reference to a disability, means:
   a. Unable to perform a major life activity that the average person in the general population can perform; or
   b. Significantly restricted as to the condition, manner, or duration under which an individual can perform a particular major life activity as compared to the condition, manner, or duration under which the average person in the general population can perform that same major life activity.

34. “Targeted jobs tax credit” means an income tax credit available to businesses that hire persons whom ESA has certified as meeting certain criteria described in 26 U.S.C. 51 (Office of the Federal Register, National Archives and Records Administration, August 10, 1993), which is incorporated by reference in this rule. This incorporation by reference does not include any later amendments or editions. Copies of the incorporated material are available for inspection at the Department’s Authority Library, 1789 West Jefferson, Phoenix, Arizona, and in the Office of the Secretary of State, Public Service Department, 1700 West Washington, Phoenix, Arizona.

35. “USES” means the United States Employment Service, which is the unit in the United States Department of Labor’s Employment and Training Administration designed to promote a national system of public job service offices.

36. “Veteran” means a person who served in the active military service, and who was discharged or released from service under conditions other than dishonorable.

37. “Vocational plan” means a plan developed jointly by an ESA counselor or counselor-trainee and an applicant that describes:
   a. The applicant’s short-range and long-range occupational goals, and
   b. The actions to be taken to implement the plan.
38. “Worker” means a U.S. citizen or a non-citizen who is legally authorized to work in the United States and who is employed or who is unemployed and wishes to work.

39. “Worker services” means the functions the Department performs for the benefit of applicants and workers, including employment counseling, employment testing, preparation of a vocational plan, and referral for employment opportunity.

40. “Worker job referral services” means Department activities to help a worker promptly obtain a job for which the worker is occupationally qualified.

41. “Youth worker” means a worker younger than age 22.

Historical Note
Adopted effective September 24, 1975 (Supp. 75-1).
Section repealed, new Section adopted effective December 20, 1994 (Supp. 94-4). Amended by final rulemaking at 5 A.A.R. 2155, effective June 18, 1999 (Supp. 99-2).

R6-2-102. Complaints
The Department shall process all complaints related to the provision of employment services under 20 CFR 658.400 through 658.416 (Office of the Federal Register, National Archives and Records Administration, April 1, 1998), which are incorporated by reference in this rule. This incorporation by reference does not include any later amendments or editions. Copies of the incorporated material are available for inspection at the Department’s Authority Library, 1789 West Jefferson, Phoenix, Arizona, and in the Office of the Secretary of State, Public Service Department, 1700 West Washington, Phoenix, Arizona.

Historical Note
Adopted effective September 24, 1975 (Supp. 75-1).
Section repealed, new Section adopted effective December 20, 1994 (Supp. 94-4). Amended by final rulemaking at 5 A.A.R. 2155, effective June 18, 1999 (Supp. 99-2).

R6-2-103. Hearings and Appeals
The Department shall conduct any hearing or appeal to which an employer, applicant, or worker may be entitled under applicable state or federal employment services laws, and 20 CFR 658.417 and 658.418 (Office of the Federal Register, National Archives and Records Administration, April 1, 1998), which are incorporated by reference in this rule. This incorporation by reference does not include any later amendments or editions. Copies of the incorporated material are available for inspection at the Department’s Authority Library, 1789 West Jefferson, Phoenix, Arizona, and in the Office of the Secretary of State, Public Service Department, 1700 West Washington, Phoenix, Arizona.

Historical Note
Adopted effective September 24, 1975 (Supp. 75-1).
Section repealed, new Section adopted effective December 20, 1994 (Supp. 94-4). Amended by final rulemaking at 5 A.A.R. 2155, effective June 18, 1999 (Supp. 99-2).

R6-2-104. Policy of Nondiscrimination; Schedule of Services
In the administration of the state employment office, the Department shall:
A. Not discriminate against any applicant or employer because of age, race, sex, color, religious creed, national origin, disability or political affiliation or belief unless a BFOQ exists;
B. Actively promote employment opportunities for disadvantaged workers and encourage employers to hire workers on the basis of objective qualifications; and
C. Use the following priority schedule to select and refer qualified applicants for work:
1. Disabled veteran applicants;
2. Other veteran applicants;
3. Other applicants.

Historical Note
Adopted effective September 24, 1975 (Supp. 75-1).

R6-2-105. Repealed

Historical Note
Adopted effective September 24, 1974 (Supp. 75-1).
Section repealed effective December 20, 1994 (Supp. 94-4).

R6-2-106. Repealed

Historical Note
Adopted effective September 24, 1975 (Supp. 75-1).
Section repealed effective December 20, 1994 (Supp. 94-4).

R6-2-107. Repealed

Historical Note
Adopted effective September 24, 1975 (Supp. 75-1).
Section repealed effective December 20, 1994 (Supp. 94-4).

R6-2-108. Repealed

Historical Note
Adopted effective September 24, 1975 (Supp. 75-1).
Section repealed effective December 20, 1994 (Supp. 94-4).

R6-2-109. Repealed

Historical Note
Adopted effective September 24, 1975 (Supp. 75-1).
Section repealed effective December 20, 1994 (Supp. 94-4).

R6-2-110. Repealed

Historical Note
Adopted effective September 24, 1975 (Supp. 75-1).
Section repealed effective December 20, 1994 (Supp. 94-4).

R6-2-111. Repealed

Historical Note
Adopted effective September 24, 1975 (Supp. 75-1).
Section repealed effective December 20, 1994 (Supp. 94-4).

R6-2-112. Repealed

Historical Note
Adopted effective September 24, 1975 (Supp. 75-1).
Section repealed effective December 20, 1994 (Supp. 94-4).

ARTICLE 2. EMPLOYMENT SERVICES PROVIDED BY THE DEPARTMENT

R6-2-201. Worker Services
A. As permitted by available resources, the Department shall provide services to a worker who is a United States citizen or a
non-citizen authorized to work in the United States. The services include but are not limited to the following:
1. Employment counseling;
2. Aptitude testing;
3. Apprenticeship training; and
4. Job referral services.

B. A worker applying for services shall file an application with the Department. The application shall include the worker’s:
1. Name, address, telephone number, social security number, and date of birth;
2. Prior work experience, including information on salary, job duties, and any past military service;
3. Educational background, including technical or other vocational training the worker has completed;
4. Career goals, hobbies, and volunteer work;
5. Availability for work, including a willingness to travel or relocate, desire for full or part-time employment, and desired working hours; and
6. Special skills or proficiencies, including a language other than English or the use of equipment.

C. The Department shall obtain information about a worker’s disability as is necessary to provide the worker with appropriate services. This information may include asking the worker whether the worker can perform the essential functions of a particular job, with or without reasonable accommodation.

D. When the Department conducts employment testing, the Department shall:
1. Use only standardized tests and techniques approved by the United States Employment Service; and
2. Not release the results of the tests without the written consent of the tested worker.

Historical Note
Adopted effective September 24, 1975 (Supp. 75-1).
Section repealed, new Section adopted effective December 20, 1994 (Supp. 94-4). Section repealed, new Section adopted by final rulemaking at 5 A.A.R. 2155, effective June 18, 1999 (Supp. 99-2).

R6-2-202. Employer Services
A. The Department shall require the following information from an employer who places a job order:
1. A description of the essential functions of the job in sufficient detail to permit the Department to ascertain the qualifications a worker needs to satisfactorily perform the work, with or without reasonable accommodation;
2. An employer’s hiring requirements, including the type of license or certification needed, or the type of equipment or tools the worker must supply;
3. The terms and conditions of work, including hours, salary, benefits, promotional opportunities, and travel requirements;
4. The job location and instructions for arranging a job interview.

B. The Department shall refer workers to the employer who most closely match the requirements in the job order. If qualified workers are not available from the Department’s files and, if resources are available, the Department shall recruit qualified workers to fill the employer’s order.

C. The Department shall not accept a job order from an employer for processing if:
1. The employer’s requirements are discriminatory based on age, sex, national origin, or religion, unless the discriminatory characteristic is a bona fide occupational qualification necessary to perform the job. An example of a bona fide occupational qualification that is not discriminatory is the requirement for a female worker in a female intimate apparel retail outlet.
2. The terms and conditions of work are substandard under A.R.S. § 23-776(C)(2).
3. The position 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.
4. A worker is required to pay a fee for the job.

D. If an employer refuses to modify a job order deemed unacceptable by subsection (C), the Department shall notify the employer in writing of discontinuance of services. The notification shall include the employer’s right of appeal.

Historical Note
Adopted effective September 24, 1975 (Supp. 75-1).
Section repealed, new Section adopted effective December 20, 1994 (Supp. 94-4). Section repealed, new Section adopted at 5 A.A.R. 2155, effective June 18, 1999 (Supp. 99-2).

R6-2-203. Repealed

Historical Note
Adopted effective September 24, 1975 (Supp. 75-1).
Section repealed, new Section adopted effective December 20, 1994 (Supp. 94-4). Section repealed, new Section adopted by final rulemaking at 5 A.A.R. 2155, effective June 18, 1999 (Supp. 99-2), Section repealed by final rulemaking at 16 A.A.R. 510, effective March 2, 2010 (Supp. 10-1).

R6-2-204. Expired

Historical Note
Adopted effective September 24, 1975 (Supp. 75-1).

R6-2-205. Repealed

Historical Note
Adopted effective September 24, 1975 (Supp. 75-1).
Section repealed, new Section adopted effective December 20, 1994 (Supp. 94-4). Section repealed, new Section adopted by final rulemaking at 5 A.A.R. 2155, effective June 18, 1999 (Supp. 99-2).

R6-2-206. Repealed

Historical Note
Adopted effective September 24, 1975 (Supp. 75-1).
Section repealed, new Section adopted effective December 20, 1994 (Supp. 94-4). Section repealed by final rulemaking at 5 A.A.R. 2155, effective June 18, 1999 (Supp. 99-2).

R6-2-207. Repealed

Historical Note
Adopted effective September 24, 1975 (Supp. 75-1).
Section repealed, new Section adopted effective December 20, 1994 (Supp. 94-4). Section repealed by final rulemaking at 5 A.A.R. 2155, effective June 18, 1999 (Supp. 99-2).
ARTICLE 3. REPEALED

R6-2-301. Repealed

Historical Note
Adopted effective September 24, 1975 (Supp. 75-1). 

R6-2-302. Repealed

Historical Note
Adopted effective September 24, 1975 (Supp. 75-1). 
Section repealed, new Section adopted effective December 20, 1994 (Supp. 94-4). Section repealed by final rulemaking at 5 A.A.R. 2155, effective June 18, 1999 (Supp. 99-2).

R6-2-303. Repealed

Historical Note
Adopted effective September 24, 1975 (Supp. 75-1). 
Section repealed, new Section adopted effective December 20, 1994 (Supp. 94-4). Section repealed by final rulemaking at 5 A.A.R. 2155, effective June 18, 1999 (Supp. 99-2).

R6-2-304. Repealed

Historical Note
Adopted effective September 24, 1975 (Supp. 75-1). 

ARTICLE 4. OTHER EMPLOYMENT SERVICES AND PROGRAMS

R6-2-401. Repealed

Historical Note
R6-2-604.  Repealed

Historical Note
Adopted effective September 27, 1979 (Supp. 79-5).
Repealed effective July 30, 1993 (Supp. 93-3).

R6-2-605.  Repealed

Historical Note
Adopted effective September 27, 1979 (Supp. 79-5).
Repealed effective July 30, 1993 (Supp. 93-3).

R6-2-606.  Repealed

Historical Note
Adopted effective September 27, 1979 (Supp. 79-5).
Repealed effective July 30, 1993 (Supp. 93-3).

R6-2-607.  Repealed

Historical Note
Adopted effective September 27, 1979 (Supp. 79-5).
Repealed effective July 30, 1993 (Supp. 93-3).

R6-2-608.  Repealed

Historical Note
Adopted effective September 27, 1979 (Supp. 79-5).
Repealed effective July 30, 1993 (Supp. 93-3).

R6-2-609.  Repealed

Historical Note
Adopted effective September 27, 1979 (Supp. 79-5).
Repealed effective July 30, 1993 (Supp. 93-3).

R6-2-610.  Repealed

Historical Note
Adopted effective September 27, 1979 (Supp. 79-5).
Repealed effective July 30, 1993 (Supp. 93-3).

R6-2-611.  Repealed

Historical Note
Adopted effective September 27, 1979 (Supp. 79-5).
Repealed effective July 30, 1993 (Supp. 93-3).

R6-2-612.  Repealed

Historical Note
Adopted effective September 27, 1979 (Supp. 79-5).
Repealed effective July 30, 1993 (Supp. 93-3).

R6-2-613.  Repealed

Historical Note
Adopted effective September 27, 1979 (Supp. 79-5).
Repealed effective July 30, 1993 (Supp. 93-3).

R6-2-614.  Repealed

Historical Note
Adopted effective September 27, 1979 (Supp. 79-5).
Repealed effective July 30, 1993 (Supp. 93-3).

R6-2-615.  Repealed

Historical Note
Adopted effective September 27, 1979 (Supp. 79-5).
Repealed effective July 30, 1993 (Supp. 93-3).

R6-2-616.  Repealed

Historical Note
Adopted effective September 27, 1979 (Supp. 79-5).
Repealed effective July 30, 1993 (Supp. 93-3).

R6-2-617.  Repealed

Historical Note
Adopted effective September 27, 1979 (Supp. 79-5).
Repealed effective July 30, 1993 (Supp. 93-3).

R6-2-618.  Repealed

Historical Note
Adopted effective September 27, 1979 (Supp. 79-5).
Repealed effective July 30, 1993 (Supp. 93-3).

R6-2-619.  Repealed

Historical Note
Adopted effective September 27, 1979 (Supp. 79-5).
Repealed effective July 30, 1993 (Supp. 93-3).

R6-2-620.  Repealed

Historical Note
Adopted effective September 27, 1979 (Supp. 79-5).
Repealed effective July 30, 1993 (Supp. 93-3).