

NOTICES OF SUBSTANTIVE POLICY STATEMENTS

The Administrative Procedure Act requires the publication of substantive policy statements issued by agencies (A.R.S. § 41-1013(B)(14)). Substantive policy statements are written expressions which inform the general public of an agency's current approach to rule or regulation practice. Substantive policy statements are advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that a substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under A.R.S. § 41-1033 for a review of the statement.

NOTICE OF SUBSTANTIVE POLICY STATEMENT

AGRICULTURAL EMPLOYMENT RELATIONS BOARD

[M10-272]

1. **Title of the substantive policy statement and the substantive policy statement number by which the substantive policy statement is referenced:**
10-01 Open Meeting Law Web Site
2. **Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**
Issue Date: July 19, 2010
3. **Summary of the contents of the substantive policy statement:**
The Agricultural Employment Relations Board is subject to the Open Meeting Law. Therefore, revised A.R.S. § 38-431.02(A) requires the Board to conspicuously post a statement on its web site stating where all public notices of its meetings will be posted. The Board does not have its own web site. The Board does, however, contract with the Arizona Department of Agriculture for administrative services, including services related to the Open Meeting Law. Moreover, the Board presently uses the Department's web site to provide information to the public about the Board. Accordingly, the Board will use the Arizona Department of Agriculture web site as its own web site for the purposes of A.R.S. § 38-431.02(A).
4. **Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**
A.R.S. § 38-431.02(A)
5. **A statement as to whether the substantive policy statement is a new statement or a revision:**
New

NOTICE OF SUBSTANTIVE POLICY STATEMENT

ARIZONA CITRUS RESEARCH COUNCIL

[M10-274]

1. **Title of the substantive policy statement and the substantive policy statement number by which the substantive policy statement is referenced:**
10-01 Open Meeting Law Web Site
2. **Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**
Issue Date: June 29, 2010
3. **Summary of the contents of the substantive policy statement:**
The Arizona Citrus Research Council is subject to the Open Meeting Law. Therefore, revised A.R.S. § 38-431.02(A) requires the Council to conspicuously post a statement on its web site stating where all public notices of its meetings will be posted. The Council does not have its own web site. The Council does, however, contract with the Arizona Department of Agriculture for administrative services, including services related to the Open Meeting Law. Moreover, the Council presently uses the Department's web site to provide information to the public about the Council. Accordingly, the Council designates the Arizona Department of Agriculture web site as its own web site for the purposes of A.R.S. § 38-431.02(A).
4. **Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**
A.R.S. § 38-431.02(A)

Notices of Substantive Policy Statements

5. A statement as to whether the substantive policy statement is a new statement or a revision:

New

NOTICE OF SUBSTANTIVE POLICY STATEMENT

ARIZONA GRAIN RESEARCH AND PROMOTION COUNCIL

[M10-273]

1. Title of the substantive policy statement and the substantive policy statement number by which the substantive policy statement is referenced:

10-01 Open Meeting Law Web Site

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

Issue Date: July 19, 2010

3. Summary of the contents of the substantive policy statement:

The Arizona Grain Research and Promotion Council is subject to the Open Meeting Law. Therefore, revised A.R.S. § 38-431.02(A) requires the Council to conspicuously post a statement on its web site stating where all public notices of its meetings will be posted. The Council does not have its own web site. The Council does, however, contract with the Arizona Department of Agriculture for administrative services, including services related to the Open Meeting Law. Moreover, the Council presently uses the Department's web site to provide information to the public about the Council. Accordingly, the Council will use the Arizona Department of Agriculture web site as its own web site for the purposes of A.R.S. § 38-431.02(A).

4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:

A.R.S. § 38-431.02(A)

5. A statement as to whether the substantive policy statement is a new statement or a revision:

New

NOTICE OF SUBSTANTIVE POLICY STATEMENT

ARIZONA ICEBERG LETTUCE RESEARCH COUNCIL

[M10-275]

1. Title of the substantive policy statement and the substantive policy statement number by which the substantive policy statement is referenced:

10-01 Open Meeting Law Web Site

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

Issue Date: June 29, 2010

3. Summary of the contents of the substantive policy statement:

The Arizona Iceberg Lettuce Research Council is subject to the Open Meeting Law. Therefore, revised A.R.S. § 38-431.02(A) requires the Council to conspicuously post a statement on its web site stating where all public notices of its meetings will be posted. The Council does not have its own web site. The Council does, however, contract with the Arizona Department of Agriculture for administrative services, including services related to the Open Meeting Law. Moreover, the Council presently uses the Department's web site to provide information to the public about the Council. Accordingly, the Council designates the Arizona Department of Agriculture web site as its own web site for the purposes of A.R.S. § 38-431.02(A).

4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:

A.R.S. § 38-431.02(A)

5. A statement as to whether the substantive policy statement is a new statement or a revision:

New

NOTICE OF SUBSTANTIVE POLICY STATEMENT

DEPARTMENT OF ECONOMIC SECURITY

[M10-276]

1. Title of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:

Unemployment Insurance Tax: Expanded Definition of Private Home and Domestic Services. The substantive policy statement number is 17P-C011.

Notices of Substantive Policy Statements

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

The substantive policy statement was issued and will become effective upon filing with the Office of the Secretary of State, July 20, 2010.

3. Summary of the contents of the substantive policy statement:

The substantive policy statement describes the Department's rationale and determination made to follow the broad definitions of "private home" and "domestic employer" in the case of domestic services, for the purpose of Unemployment Insurance Tax.

4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:

A.R.S. § 23-613(C)

Arizona Administrative Code (A.A.C.) R6-3-1301(16)(a)

Internal Revenue Service Ruling 74-388 (modified Revenue Ruling 68-398)

Social Security Handbook, 2009, § 917

5. Statement as to whether the substantive policy statement is a new statement or a revision:

This is a new substantive policy statement.

6. Name, address and telephone number of the person to whom questions and comments about the substantive policy statement may be directed:

Name: Beth Broeker

Address: Department of Economic Security
1789 W. Jefferson St., Site Code 837A
Phoenix, AZ 85007

Telephone: (602) 542-6555

E-mail: bbroeker@azdes.gov

NOTICE OF SUBSTANTIVE POLICY STATEMENT

DEPARTMENT OF ECONOMIC SECURITY

[M10-277]

1. Title of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:

Unemployment Insurance Tax: Penalty Assessment. The substantive policy statement number is 17P-C015.

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

The substantive policy statement was issued and will become effective upon filing with the Office of the Secretary of State, July 20, 2010.

3. Summary of the contents of the substantive policy statement:

The substantive policy statement describes the Department approach to the application of employer penalties for deficient or delinquent filing of unemployment insurance reports.

4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:

A.R.S. §§ 23-738(A) and 23-738.01(A)

Arizona Administrative Code (A.A.C.) R6-3-1704(D)

5. Statement as to whether the substantive policy statement is a new statement or a revision:

This is a new substantive policy statement.

6. Name, address and telephone number of the person to whom questions and comments about the substantive policy statement may be directed:

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Address: Department of Economic Security
1789 W. Jefferson St., Site Code 837A
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NOTICE OF SUBSTANTIVE POLICY STATEMENT

DEPARTMENT OF ECONOMIC SECURITY

[M10-278]

1. **Title of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:**
Unemployment Insurance Tax: Payrolling Involving Reimbursable Employers. The substantive policy statement number is 17P-C029.
2. **Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**
The substantive policy statement was issued and will become effective upon filing with the Office of the Secretary of State, July 20, 2010.
3. **Summary of the contents of the substantive policy statement:**
The substantive policy statement describes the Department's approach to the treatment of employers and third party payors in cases involving reimbursable employers relative to Unemployment Insurance Tax and the corresponding legal authority.
4. **Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**
A.R.S. §§ 23-614(C), and 23-728 through 23-730
Southwestern Teamsters Security Fund v. Department of Economic Security, 157 Ariz. 3258 (1988);
Federal Unemployment Tax Act (F.U.T.A.), 26 U.S.C. 3306
5. **Statement as to whether the substantive policy statement is a new statement or a revision:**
This is a new substantive policy statement.
6. **Name, address and telephone number of the person to whom questions and comments about the substantive policy statement may be directed:**
Name: Beth Broeker
Address: Department of Economic Security
1789 W. Jefferson St., Site Code 837A
Phoenix, AZ 85007
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E-mail: bbroeker@azdes.gov

NOTICE OF SUBSTANTIVE POLICY STATEMENT

DEPARTMENT OF ECONOMIC SECURITY

[M10-279]

1. **Title of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:**
Unemployment Insurance Tax: Spouse's Services Performed in a Community Property State for a Partnership. The substantive policy statement number is 17P-C031.
2. **Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**
The substantive policy statement was issued and will become effective upon filing with the Office of the Secretary of State, July 20, 2010.
3. **Summary of the contents of the substantive policy statement:**
The substantive policy statement describes the Department's determination regarding the treatment of services performed by spouses for the purposes of Unemployment Insurance Tax.
4. **Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**
A.R.S. §§ 25-214, 25-215, and 23-617(4)
5. **Statement as to whether the substantive policy statement is a new statement or a revision:**
This is a new substantive policy statement.
6. **Name, address and telephone number of the person to whom questions and comments about the substantive policy statement may be directed:**
Name: Beth Broeker

Notices of Substantive Policy Statements

Address: Department of Economic Security
1789 W. Jefferson St., Site Code 837A
Phoenix, AZ 85007

Telephone: (602) 542-6555

E-mail: bbroeker@azdes.gov

NOTICE OF SUBSTANTIVE POLICY STATEMENT
DEPARTMENT OF ECONOMIC SECURITY

[M10-280]

1. **Title of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:**
Unemployment Insurance Tax: Apartment Owner and Management Company. The substantive policy statement number is 17P-C041.
2. **Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**
The substantive policy statement was issued and will become effective upon filing with the Office of the Secretary of State, July 20, 2010.
3. **Summary of the contents of the substantive policy statement:**
The substantive policy statement describes how the Department will treat Unemployment Insurance Tax accounts involving apartment owners under various scenarios, when the apartment owner uses the services of a management company.
4. **Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**
A.R.S. § 23-725
5. **Statement as to whether the substantive policy statement is a new statement or a revision:**
This is a new substantive policy statement.
6. **Name, address and telephone number of the person to whom questions and comments about the substantive policy statement may be directed:**
Name: Beth Broeker
Address: Department of Economic Security
1789 W. Jefferson St., Site Code 837A
Phoenix, AZ 85007
Telephone: (602) 542-6555
E-mail: bbroeker@azdes.gov

NOTICE OF SUBSTANTIVE POLICY STATEMENT
DEPARTMENT OF ECONOMIC SECURITY

[M10-281]

1. **Title of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:**
Unemployment Insurance Tax: Private Duty Nursing. The substantive policy statement number is 17P-C048.
2. **Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**
The substantive policy statement was issued and will become effective on May 19, 2010.
3. **Summary of the contents of the substantive policy statement:**
The substantive policy statement describes the Department's rationale and treatment of nurses and nurses aides engaged in private duty nursing for the purpose of Unemployment Insurance Tax.
4. **Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**
A.R.S. §§ 23-613.01(E) and 23-615(8)
Internal Revenue Ruling (Rev. Rul.) 61-196, 1961-2 C.B. 155
26 U.S.C. 3301 through 3311

Notices of Substantive Policy Statements

5. Statement as to whether the substantive policy statement is a new statement or a revision:

This is a new substantive policy statement.

6. Name, address and telephone number of the person to whom questions and comments about the substantive policy statement may be directed:

Name: Beth Broeker
Address: Department of Economic Security
1789 W. Jefferson St., Site Code 837A
Phoenix, AZ 85007
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NOTICE OF SUBSTANTIVE POLICY STATEMENT

DEPARTMENT OF ECONOMIC SECURITY

[M10-282]

1. Title of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:

Unemployment Insurance Tax: Voluntary Election of Coverage. The substantive policy statement number is 17P-C068.

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

The substantive policy statement was issued and will become effective upon filing with the Office of the Secretary of State, July 20, 2010.

3. Summary of the contents of the substantive policy statement:

The substantive policy statement describes the Department's and determination regarding conditions under which the Department will permit employers to voluntarily elect to be covered by the Unemployment Insurance Program.

4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:

A.R.S. §§ 23-615(6)(d)(i) - (vi), 23-617, and 23-725(D) and (E)
Internal Revenue Service, Employer's Supplemental Tax Guide, Publication 15-A (2009)

5. Statement as to whether the substantive policy statement is a new statement or a revision:

This is a new substantive policy statement.

6. Name, address and telephone number of the person to whom questions and comments about the substantive policy statement may be directed:

Name: Beth Broeker
Address: Department of Economic Security
1789 W. Jefferson St., Site Code 837A
Phoenix, AZ 85007
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E-mail: bbroeker@azdes.gov

NOTICE OF SUBSTANTIVE POLICY STATEMENT

DEPARTMENT OF ECONOMIC SECURITY

[M10-283]

1. Title of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:

Unemployment Insurance Tax: Limited Partner's Services. The substantive policy statement number is 17P-C093.

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

The substantive policy statement was issued and will become effective upon filing with the Office of the Secretary of State, July 20, 2010.

3. Summary of the contents of the substantive policy statement:

The substantive policy statement describes the Department's rationale and treatment of a limited partner for the purpose of coverage under the Unemployment Insurance Program.

Notices of Substantive Policy Statements

4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:

A.R.S. §§ 23-614(A); 23-622(A); 23-613.01(A); 29-301(5) and (6); 29-601(12) and 29-1031(H)

5. Statement as to whether the substantive policy statement is a new statement or a revision:

This is a new substantive policy statement.

6. Name, address and telephone number of the person to whom questions and comments about the substantive policy statement may be directed:

Name: Beth Broeker
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1789 W. Jefferson St., Site Code 837A
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NOTICE OF SUBSTANTIVE POLICY STATEMENT

DEPARTMENT OF ECONOMIC SECURITY

[M10-284]

1. Title of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:

Unemployment Insurance Tax: Statute of Limitations. The substantive policy statement number is 17P-C104.

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

The substantive policy statement was issued and will become effective upon filing with the Office of the Secretary of State, July 20, 2010.

3. Summary of the contents of the substantive policy statement:

The substantive policy statement describes the Department's rationale and treatment of Unemployment Insurance program employer accounts with respect to statute of limitations.

4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:

A.R.S. §§ 23-743(A), (E) and 23-613
Federal Unemployment Tax Act (FUTA) 26 U.S.C. 6501

5. Statement as to whether the substantive policy statement is a new statement or a revision:

This is a new substantive policy statement.

6. Name, address and telephone number of the person to whom questions and comments about the substantive policy statement may be directed:

Name: Beth Broeker
Address: Department of Economic Security
1789 W. Jefferson St., Site Code 837A
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NOTICE OF SUBSTANTIVE POLICY STATEMENT

DEPARTMENT OF ECONOMIC SECURITY

[M10-285]

1. Title of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:

Unemployment Insurance Tax: Good Cause for Waiver of Penalties and Interest. The substantive policy statement number is 17P-C106.

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

The substantive policy statement was issued and will become effective upon filing with the Office of the Secretary of State, July 20, 2010.

Notices of Substantive Policy Statements

3. Summary of the contents of the substantive policy statement:

The substantive policy statement describes the considerations taken by the Department in determining if good cause exists to warrant a waiver of potential Unemployment Insurance Tax employer penalties and interest.

4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:

A.R.S. §§ 23-723(A) and 23-736(A)

Arizona Administrative Code (A.A.C.) R6-3-1404(B) and R6-3-1704(D)

Social Security Handbook, 2009, § 917

5. Statement as to whether the substantive policy statement is a new statement or a revision:

This is a new substantive policy statement.

6. Name, address and telephone number of the person to whom questions and comments about the substantive policy statement may be directed:

Name: Beth Broeker

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1789 W. Jefferson St., Site Code 837A
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NOTICE OF SUBSTANTIVE POLICY STATEMENT

DEPARTMENT OF ECONOMIC SECURITY

[M10-286]

1. Title of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:

Unemployment Insurance Tax: Limited Liability Company (LLC), Limited Liability Partnership (LLP), and Professional Limited Liability Company (PLLC). The substantive policy statement number is 17P-C118.

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

The substantive policy statement was issued and will become effective upon filing with the Office of the Secretary of State, July 20, 2010.

3. Summary of the contents of the substantive policy statement:

The substantive policy statement describes the Department's rationale and treatment of limited liability companies (LLCs), limited liability partnerships (LLPs), and professional limited liability companies (PLLCs) for the purpose of Unemployment Insurance Taxes.

4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:

A.R.S. §§ 10-2201(6), 23-613.01(E), 23-614(A), 23-617(4), 23-622(A), 29-601(12), 29-841(4), 29-843, 29-857, 29-1101(A), and 29-1031(H)

Internal Revenue Service (IRS), Internal Revenue Bulletin: 2007-39, T.D. 9356, September 24, 2007

Internal Revenue Service web site at <http://www.irs.gov>

5. Statement as to whether the substantive policy statement is a new statement or a revision:

This is a new substantive policy statement.

6. Name, address and telephone number of the person to whom questions and comments about the substantive policy statement may be directed:

Name: Beth Broeker

Address: Department of Economic Security
1789 W. Jefferson St., Site Code 837A
Phoenix, AZ 85007

Telephone: (602) 542-6555

E-mail: bbroeker@azdes.gov

NOTICE OF SUBSTANTIVE POLICY STATEMENT

DEPARTMENT OF ECONOMIC SECURITY

[M10-287]

- 1. Title of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:**
Unemployment Insurance Tax: Cafeteria Plan. The substantive policy statement number is 17P-C119.
- 2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**
The substantive policy statement was issued and will become effective upon filing with the Office of the Secretary of State, July 20, 2010.
- 3. Summary of the contents of the substantive policy statement:**
The substantive policy statement describes the Department's rationale and approach to cafeteria plans, for the purpose of determining Unemployment Insurance Tax coverage.
- 4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**
A.R.S. § 23-622(B)(5)(g)
Internal Revenue Code (I.R.C.) § 125
26 U.S.C. 3121(a)(5)(G) and 3306(b)(5)(G)
- 5. Statement as to whether the substantive policy statement is a new statement or a revision:**
This is a new substantive policy statement.
- 6. Name, address and telephone number of the person to whom questions and comments about the substantive policy statement may be directed:**
Name: Beth Broeker
Address: Department of Economic Security
1789 W. Jefferson St., Site Code 837A
Phoenix, AZ 85007
Telephone: (602) 542-6555
E-mail: bbroeker@azdes.gov