
NOTICES OF RULEMAKING DOCKET OPENING

This section of the *Arizona Administrative Register* contains Notices of Rulemaking Docket Opening.

A docket opening is the first part of the administrative rulemaking process. It is an “announcement” that the agency intends to work on its rules.

When an agency opens a rulemaking docket to consider rulemaking, the Administrative Procedure Act (APA) requires the publication of the Notice of Rulemaking Docket Opening.

Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process. Many times an agency may file the Notice of Rulemaking Docket Opening with the Notice of Proposed Rulemaking.

The Office of the Secretary of State is the filing office and publisher of these notices. Questions about the interpretation of this information should be directed to the agency contact person listed in item #4 of this notice.

NOTICE OF RULEMAKING DOCKET OPENING

STATE RETIREMENT SYSTEM BOARD

[R16-70]

- 1. Title and its heading:** 2, Administration

Chapter and its heading: 8, State Retirement System Board

Article and its heading: 1, Retirement System; Defined Benefit Plan

Section number: R2-8-117 (*Sections may be added, deleted, or further modified as necessary.*)
- 2. The subject matter of the proposed rule:**

A.R.S. § 38-766.01 allows retirees to elect to continue receiving retirement benefits after returning to work if specific criteria are met and it requires retirees to submit the Working After Retirement form to acknowledge such election. The ASRS needs to clarify that pursuant to A.R.S. § 38-766.01(C), an ASRS retiree who returns to work with an ASRS employer must submit the Working After Retirement form to each of the retiree’s current ASRS employers through the retiree’s secure ASRS website application. Upon the employer’s verification of the information contained in the Working After Retirement form, the employer remits the validated information to the ASRS.

R2-8-117 will clarify that all retirees who return to work for an ASRS employer must submit this form, regardless of the election they make. The ASRS may need to clarify that a member who returns to work for an ASRS employer prior to the member’s retirement date, has not terminated employment for purposes of determining which retirees return to work under the return to work statute(s). In other words, the ASRS may need to clarify that in order to “return to work,” a member must terminate, retire, and then, seek subsequent employment with an ASRS employer. Also, the ASRS needs to clarify that a retiree must submit the Working After Retirement form within 30 days of the later: (1) accepting employment with an ASRS employer, or (2) obtaining access to the retiree’s secure ASRS website application. The retiree is also responsible for submitting a Working After Retirement form within 30 days of changes in employment status such as the intent to engage the retiree for 20 or more hours per week for 20 or more weeks per fiscal year. Finally, the ASRS needs to clarify what may happen if a retiree is found to be in violation of the return to work statute(s). These clarifications will ensure that the ASRS, its employers, and its members have prompt notice about which retirees are returning to work for which employers, and the process for reporting return to work information.
- 3. A citation to all published notices relating to the proceeding:**

None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Jessica A. Ross, Rule Writer

Address: State Retirement System
3300 N. Central Ave., Suite 1400
Phoenix, AZ 85012-0250

Telephone: (602) 240-2039

E-mail: JessicaR@azasrs.gov
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**

The Board will accept comments during business hours at the address listed in item 4. Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking.



- 6. A timetable for agency decisions or other action on the proceeding, if known:**
To be determined.

NOTICE OF RULEMAKING DOCKET OPENING

STATE RETIREMENT SYSTEM BOARD

[R16-71]

- 1. Title and its heading:** 2, Administration
Chapter and its heading: 8, State Retirement System Board
Article and its heading: 1, Retirement System; Defined Benefit Plan
Section number: R2-8-126 (*Sections may be added, deleted, or further modified as necessary.*)
- 2. The subject matter of the proposed rule:**
R2-8-126 provides notice to members regarding what type of annuity the member may elect at retirement based on age and/or dollar amount. However, the ASRS will amend subsections (I) and (J) of this rule to better clarify those annuity options are applicable only to retirees with an original retirement date on or after the effective date of those provisions.
- 3. A citation to all published notices relating to the proceeding:**
 Notice of Docket Opening: 21 A.A.R. 1834, September 11, 2015
 Notice of Proposed Rulemaking: 21 A.A.R. 2281, October 9, 2015
 Notice of Final Rulemaking: 22 A.A.R. 79, January 15, 2016
 Notice of Substantive Policy Statement: 22 A.A.R. 707, April 1, 2016
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
 Name: Jessica A. Ross, Rule Writer
 Address: State Retirement System
 3300 N. Central Ave., Suite 1400
 Phoenix, AZ 85012-0250
 Telephone: (602) 240-2039
 E-mail: JessicaR@azasrs.gov
 Website: www.azasrs.gov
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
The Board will accept comments during business hours at the address listed in item 4. Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
To be determined

NOTICE OF RULEMAKING DOCKET OPENING

STATE RETIREMENT SYSTEM BOARD

[R16-72]

- 1. Title and its heading:** 2, Administration
Chapter and its heading: 8, State Retirement System Board
Article and its heading: 7, Contributions Not Withheld
Section number: R2-8-704, R2-8-706, R2-8-708 (*Sections may be added, deleted, or further modified as necessary.*)
- 2. The subject matter of the proposed rule:**
The ASRS needs to amend approximately three rules in Article 7. The rules need to reflect that Contributions Not Withheld (CNW) payments are not due to the ASRS when the employer remits an Alternate Contribution Rate (ACR) payment pursuant to A.R.S. § 38-766 or when contributions are made to another Arizona retirement system pursuant to A.R.S. § 38-766. This amendment will prevent the employer from overpaying contributions during the same time period and will clarify that members are not entitled to receive service credit for the same time period in more than one state retirement system. The rules also need to reflect that the employer representative is not required to initial each statement of understanding on the Verification of Contributions Not Withheld form; and that gross



salary and hours worked are reported by pay period within each fiscal year. The rules need to be amended to remove language that is duplicative of the appeals rules/process contained in 2 A.A.C. 8, Title 4.

3. A citation to all published notices relating to the proceeding:

None

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Jessica A. Ross, Rule Writer
Address: State Retirement System
3300 N. Central Ave., Suite 1400
Phoenix, AZ 85012-0250
Telephone: (602) 240-2039
E-mail: JessicaR@azasrs.gov

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

The Board will accept comments during business hours at the address listed in item 4. Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking.

6. A timetable for agency decisions or other action on the proceeding, if known:

To be determined

NOTICE OF RULEMAKING DOCKET OPENING

**DEPARTMENT OF ECONOMIC SECURITY
SOCIAL SERVICES**

[R16-73]

1. Title and its heading:

6, Economic Security

Chapter and its heading:

5, Department of Economic Security - Social Services

Article and its headings:

52, Certification and Supervision of Family Child Care Home Providers

Section numbers:

R6-5-5201, R6-5-5202, R6-5-5207, R6-5-5217, R6-5-5218, R6-5-5219 (*Sections may be added, deleted, or modified as necessary.*)

2. The subject matter of the proposed rules:

This rulemaking is in response to a Five-Year Review Report, approved by the Governor’s Regulatory Review Council on September 9, 2014. This rulemaking will address concerns identified in a rulemaking petition that the current rule unnecessarily restricts the number of organizations that are allowed to provide training in first aid and infant/child cardiopulmonary resuscitation (CPR) to family child care home providers. Additionally, this rulemaking will make technical corrections to address typographical errors and incorrect citations.

3. A citation to all published notices relating to the proceeding:

Notice of Proposed Rulemaking: 22 A.A.R. 1029, May 6, 2016 (*in this issue*).

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Rodney K. Huenemann
Address: Department of Economic Security
1789 W. Jefferson, Site Code 837A
Phoenix, AZ 85007
or
P.O. Box 6123, Site Code 837A
Phoenix, AZ 85005
Telephone: (602) 542-6159
Fax: (602) 542-6000
E-mail: rhuenemann@azdes.gov

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

The Department will accept public comments for at least 30 days following the publication of the Notice of Proposed Rulemaking in the Arizona Administrative Register. Written comments may be submitted to the individual named in question 4. The Department has not scheduled any oral proceedings at this time.



6. A timetable for agency decisions or action on the proceeding, if known:

Publish Notice of Proposed Rulemaking within one month of publication of this Notice of Rulemaking Docket Opening.