

## NOTICES OF RULEMAKING DOCKET OPENINGS

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening whenever an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

### AGRICULTURAL EMPLOYMENT RELATIONS BOARD

1. **Title and its heading:** 4, Professions and Occupations  
**Chapter and its heading:** 2, Agricultural Employment Relations Board  
**Articles and their headings:** 1, General Provisions  
2, Elections  
3, Unfair Labor Practices  
4, Hearings  
**Section numbers:** Undetermined at this time
2. **Subject matter of the proposed rule:**  
The proposed rules are those necessary to carry out the enforcement and quasi-judicial powers of the Board.  
**The agency docket number, if applicable:**  
2.
3. **A citation to all published notices relating to the proceeding:**  
None published.
4. **Name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: V. Michele Gámez, Director and/or  
James M. Howard, General Counsel  
Address: Agricultural Employment Relations Board  
1400 West Washington Street #310  
Phoenix, Arizona 85007  
Telephone: (602) 542-1164  
Fax: (602) 542-1165
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 written comments between 8 a.m. and 5 p.m. Monday through Friday  
  
The Department will accept oral comments by appointment only.
6. **A timetable for agency decisions or other action in the proceeding:**  
None.

### DEPARTMENT OF ECONOMIC SECURITY

1. **Title and its heading:** 6, Economic Security  
**Chapter and its heading:** 5, Department of Economic Security - Social Services  
**Article and its heading:** 55, Child Protective Services  
**Section numbers:** R6-5-5501 through R6-5-5506
2. **Subject matter of the proposed rule:**  
The Department proposes to repeal all rules governing operation of Child Protective Services (CPS) and adopt new rules governing CPS practices and procedures, including intake, temporary removal of a child, investigation, and disposition. The rules will also list the circumstances the Department considers imminently dangerous, and warranting removal, as well as the practices and procedures for removal review teams described in A.R.S. § 8-546.08.  
**The agency docket number, if applicable:**  
None.
3. **A citation to all published notices relating to the proceeding:**  
None published.

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

Name: Vista Thompson Brown, Legal Analyst  
Department of Economic Security  
Address: 1789 West Jefferson, Site Code 837A  
Phoenix, Arizona 85007

or

P.O. Box 6123, Site Code 837A  
Phoenix, Arizona 85005

Telephone: (602) 542-6555  
Fax: (602) 542-6000

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 written comments during regular business hours until the close of record which has not yet been determined.

The Department has not scheduled any oral proceedings at this time.

6. A timetable for agency decisions or other action in the proceeding:

The Department is still in the process of drafting rules. The Department hopes to have a draft set of rules available for informal review by late summer of 1995. After soliciting informal comment, the Department hopes to complete its proposed rulemaking package by late fall of 1995. The Department would then file the proposed rules with the Office of the Secretary of State and conduct public hearings in approximately November 1995.

DEPARTMENT OF ECONOMIC SECURITY

1. Title and its heading: 6, Economic Security  
Chapter and its heading: 10, Department of Economic Security - The Job Opportunities and Basic Skills Program (JOBS)  
Article and its heading: 2, JOBSTART Demonstration Project  
Section number: Unknown

2. Subject matter of the proposed rule:

The Department plans to adopt a new Article of rules to govern all aspects of the Department's JOBSTART Program, authorized by Laws 1994, Ch. 301, § 2. JOBSTART is a demonstration project which the United States Department of Health and Human Services has authorized under Section 1115 of the Social Security Act. It is a component of the state's welfare reform EMPOWER Program. JOBSTART will allow individuals receiving both AFDC and Food Stamps to work for public or private sector employers for minimum wage. The AFDC and food stamp benefits will be used to partially reimburse employers for wages paid to benefit recipients who work for the employer.

The rules will:

- define terms used throughout the Article of rules;
- establish the circumstances when a person becomes eligible for assignment to a Department-administered work project;
- exclude work project earnings from earned income calculations;
- implement a sanction process (with all appropriate due process safeguards) for persons who fail to comply with work project requirements;
- establish an equivalence scale for calculation of supplemental payments and procedures for payment of supplements;
- establish a procedure for participating employers to appeal findings regarding compliance with project requirements;
- establish criteria for determining the kinds of employers who may employ project participants, in accordance with a list of criteria specified in the legislation;
- establish procedures for monitoring employer compliance with the regulatory requirements, and procedures permitting participants to complain about employer non-compliance;

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- establish procedures for exchange and execution of employer placement agreements and participant compliance agreements;
- establish a priority scheme for participant involvement;
- define what is good cause for refusal to accept a placement;
- provide that the current JOBS and AFDC grievance and appeal process applies to complaints arising out of this demonstration project;
- establish procedures and calculations for payments to employers;
- define the required contents of the written performance evaluation an employer is required to submit; and
- establish procedures for termination of an agreement, assessment of a request to terminate, and reassignment.

**The agency docket number, if applicable:**

None.

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

None published.

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

Name: Vista Thompson Brown, Legal Analyst  
Address: Department of Economic Security  
1789 West Jefferson, Site Code 837A  
Phoenix, Arizona 85007

or

P.O. Box 6123, Site Code 837A  
Phoenix, Arizona 85005

Telephone: (602) 542-6555

Fax: (602) 542-6000

**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 written comments during regular business hours until the close of record which has not yet been determined.

The Department has not scheduled any oral proceedings at this time.

**6. A timetable for agency decisions or other action in the proceeding:**

The Department has just begun the process of drafting rules. Because the Department plans to implement the entire welfare reform program effective November 1, 1995, the Department expects to have a draft set of rules available for informal review by mid-late June 1995. The Department will file proposed rules with the Office of the Secretary of State in July 1995 and conduct public hearings in August 1995. The Department seeks to have final, effective rules in place by November 1, 1995.

DEPARTMENT OF HEALTH SERVICES

1. **Title and its heading:** 9, Health Services  
**Chapter and its heading:** 25, Department of Health Services - Mental Health and Substance Abuse Services  
**Article and its heading:** 2, Appeals, Administrative Process for Children's Appeals  
**Section numbers:** R9-25-201 through R9-25-208

2. **Subject matter of the proposed rule:**

Provides an appeal process through a regional behavioral health authority (RHBA) regarding an adverse action or decision by the RBHA or the Department regarding the determination of the need for mental health or substance abuse services or a reduction, suspension, or termination of a covered service for persons under 18 years of age.

**The agency docket number, if applicable:**

RD-133-95

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

None published.

*Arizona Administrative Register*

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

Name: Peter Franklin  
Address: Department of Health Services  
Office of Administrative Counsel  
1740 West Adams Street, Room 410  
Phoenix, Arizona 85007  
Telephone: (602) 542-1266  
Fax: (602) 257-9380

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

Written and oral comments requirements will be scheduled upon filing the Notice of Proposed Rulemaking.

6. A timetable for agency decisions or other action in the proceeding:

None.