

NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening when 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.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ECONOMIC SECURITY UNEMPLOYMENT INSURANCE

Editor's Note: The following Notice of Rulemaking Docket Opening was reviewed per Executive Order 2010-13 as issued by Governor Brewer. (See the text of the executive order at 16 A.A.R. 1183, July 2, 2010.) The Governor's Office authorized the notice to proceed through the rulemaking process on July 8, 2010.

[R10-172]

- 1. Title and its heading:** 6, Economic Security
Chapter and its heading: 3, Department of Economic Security – Unemployment Insurance
Articles and their headings: 51, Discharge Benefit Policy
Section Numbers: R6-3-5105 (Sections may be added, deleted, or modified as necessary.)
- 2. The subject matter of the proposed rules:**
Laws 2010, Ch. 197, § 1 (H.B. 2541) added subsections (I) and (J) to A.R.S. § 23-727. This new legislation provides that an employer's unemployment insurance experience rating account shall not be charged for benefits paid to a former worker who was terminated because:

 - The employer was called into active military duty; or
 - A former employee of the employer returned to work for the employer after being called into active military duty, thus replacing the former worker now filing for unemployment insurance benefits.

The proposed amendment to R6-3-5105(B) will accomplish the intent of this legislation by adding these two reasons for separation to the list of terminations that shall be considered a discharge for compelling personal reasons not attributable to the employer. A.R.S. § 23-771(D) provides that employers will not be charged for separations that are determined to be for compelling personal reasons not attributable to the employer.
- 3. A citation to all published notices relating to the proceeding:**
Notice of Proposed Rulemaking: 16 A.A.R. 2376, December 10, 2010 (*in this issue*)
- 4. Name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Beth Broeker
Address: Department of Economic Security
1789 W. Jefferson St.
Site Code 837A
Phoenix, AZ 85007
or
P.O. Box 6123, Site Code 837A
Phoenix, AZ 85007
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- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
Written comments will be accepted during business hours by the person named in item 4, until further notice is provided. The Department has not scheduled oral proceedings at this time.
- 6. A timetable for agency decisions or actions on the proceedings, if known:**
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