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# **Arizona Department of Economic Security Five – Year Review Report**

A.R.S. § 41-1056 requires that at least once every five years, each agency shall review its administrative rules and produce reports that assess the rules with respect to considerations including the rule's effectiveness, clarity, conciseness and understandability. The reports also describe the agency's proposed action to respond to any concerns identified during the review. The reports are submitted in compliance with the schedule provided by the Governor's Regulatory Review Council (GRRC). A.R.S. § 18-305, enacted in 2016, requires that statutorily required reports be posted on the agency's website.

**Arizona Department of Economic Security  
Title 6, Chapter 3  
Five-Year Review Report**

**1. Authorization of the rule by existing statutes**

General Statutory Authority: A.R.S. §§ 41-1003 and 41-1954(A)(3)

Specific Statutory Authority: 15 U.S.C. 1671 et seq.; 26 U.S.C. 3301 et seq.; 29 U.S.C. 201 et seq.; 29 U.S.C. 206 and 207; 29 U.S.C. 794; 42 U.S.C. 502(a); 42 U.S.C. 1101 et seq.; 42 U.S.C 1201 et seq.; 42 U.S.C. 12132 et seq.; 20 CFR 676 and 677; and A.R.S. § 23-601 et seq.

**2. The objective of each rule**

<b>Rule</b>	<b>Objective</b>
R6-3-1301	The objective of this rule is to define terms used in Chapter 3, Articles 14-18 and Articles 50-56, which regulates the Arizona Department of Economic Security (DES or Department) Unemployment Insurance (UI) program.
R6-3-1401	The objective of this rule is to describe the Department’s policy of nondiscrimination as it pertains to the administration of UI benefits and services, including initial and continuing eligibility for claimants and recipients and employer liability for employer taxes.
R6-3-1403	The objectives of this rule are to describe the Department’s requirement to keep information obtained from employer reports and investigations of claims for UI benefits confidential and establish guidelines in which such information may be released in accordance with law.
R6-3-1404	The objective of this rule is to ensure that the Department follows a consistent and transparent process for determining timeliness with respect to payments, appeals, notices, requests for benefits, and other submissions to the Department by establishing guidelines for determining whether or not a submission is timely and provides guidelines for accepting untimely submissions. This rule also establishes guidelines for the grant of extensions to submission deadlines.
R6-3-1405	The objective of this rule is to explain application procedures and requirements for the UI Shared Work Program.
R6-3-1406	The objective of this rule is to explain how an employer with employees working in more than one state may elect to cover those workers in Arizona.
R6-3-1407	The objective of this rule is to explain who is considered an interested party of various UI determinations and appeal decisions issued by the Department.
R6-3-1408	The objectives of this rule are to define specific terms related to seasonal employment and provide guidelines for administering the qualified transient lodging exception to the payment of UI.
R6-3-1502	The objective of this rule is to describe general guidelines of the UI appeals

	process.
R6-3-1503	The objective of this rule is to describe how the Department prepares and processes UI hearing requests, providing guidelines for appeals before the Appeal Tribunal, the lower level appeal process for UI.
R6-3-1504	The objectives of this rule are to describe the DES Appeals Board's process for reviewing Appeal Tribunal decisions and provide guidelines for review requests submitted to the DES Appeals Board, the higher-level appeal process for UI.
R6-3-1505	The objectives of this rule are to describe the appointment of an acting DES Appeals Board member when required, and the waiver of a bond when an interested party to a UI decision pursues an appeal to the Arizona Court of Appeals.
R6-3-1506	The objective of this rule is to explain how any interested party to a reconsidered determination may petition the DES Appeals Board for review of the reconsidered determination.
R6-3-1507	The objective of this rule is to explain the process for appeals from a determination denying or awarding benefits for unemployment due to a labor dispute.
R6-3-1601	The objectives of this rule authorize transfer and refund of funds from the Unemployment Compensation Fund Clearing Account by warrant for specified purposes.
R6-3-1701	The objective of this rule is to describe the requirements for employers to identify workers covered by Employment Security Law in Arizona by obtaining each worker's Social Security account number and reporting a worker's Social Security account number when making any report required by the Department.
R6-3-1702	The objectives of this rule are to describe requirements for the maintenance and inspection of records, specify which records and documents employers must maintain regarding their workers, establish record retention standards, and stipulate that such records be available for Department inspection.
R6-3-1703	The objective of this rule is to describe the requirements for an employing unit to report any required information to the Department, specify the information that must be included in employers' quarterly contribution and wage reports, describe the process for employers to request a suspension of quarterly filings, and describe the process for reporting changes to the Department.
R6-3-1704	The objectives of this rule are to explain the due dates of quarterly reports, contributions, and payments in lieu of contributions that an employing unit must submit to the Department and the interest rate to be charged for delinquent reports and payments.
R6-3-1705	The objective of this rule is to ensure a uniform understanding of the term "wages" as used in the administration of UI.
R6-3-1706	The objectives of this rule are to explain how the Department prescribes the terms "employment" as used in A.R.S. § 23-615 and to define the term "pay period."
R6-3-1708	The objective of this rule is to explain how the Department prescribes various employer charges, explaining when charges to an experience rating account will

	be applied and/or ended under various special circumstances.
R6-3-1709	The objectives of this rule are to define “to the same extent” in regards to employment as used in A.R.S. § 23-727(E) and A.A.C. R6-3-1708(E), explain how the Department prescribes part-time employment and employers' responsibilities, and provide guidelines under which an employer will be relieved of charges to the employer's experience rating account when the employer continues to employ a claimant part-time.
R6-3-1710	The objectives of this rule are to explain the notification and review of charges to employers' experience rating accounts and the process for an employer to request a redetermination of those charges.
R6-3-1711	The objectives of this rule are to describe the computation of experience rates and how the Department computes each employer's annual experience rate.
R6-3-1712	The objectives of this rule are to explain the requirements for joint, multiple, and combined employer experience rating accounts and provide guidelines for the establishment of joint, multiple, and combined employer experience rating accounts.
R6-3-1713	The objectives of this rule are to clarify requirements with respect to business transfers and provide guidelines for determining the nature of total and partial business transfers, including successorships and severable portion transfers.
R6-3-1715	The objectives of this rule are to explain the computation of adjusted contribution rates and how DES computes the adjusted contribution rates for employers.
R6-3-1716	The objective of this rule is to explain how the Department prescribes voluntary and required contributions according to A.R.S. § 23-726.
R6-3-1717	The objectives of this rule are to explain the special provisions for reimbursement employers and describe the Department's methodology for handling reimbursement employers.
R6-3-1718	The objective of this rule is to explain employer refunds and how the Department refunds or credits an employer who has overpaid UI taxes.
R6-3-1720	The objectives of this rule are to identify employment that is exempt according to A.R.S. § 23-617, describe exemption determination criteria for certain types of employers regarding UI participation, and define “direct sellers” and “income tax preparers,” for whom employment is exempt from taxes.
R6-3-1721	The objectives of this rule are to explain liability determinations and the actions the Department takes when an employer alleges that a reconsidered determination on employer liability is defective.
R6-3-1722	The objective of this rule is to define “casual labor,” “regularly employed by an employing unit,” and “service not in the course of the employing unit's trade or business.”
R6-3-1723	The objectives of this rule are to define “employee,” “control,” and “method,” and describe the requirements for determining whether or not an individual is an employee with respect to UI.
R6-3-1725	The objectives of this rule are to explain the exemption from employment services performed by individuals as insurance, real estate, security, and cemetery sales, and describe the special compensation plans or agreements that

	are not included in the “compensation solely by way of commission” employment exemption.
R6-3-1726	The objective of this rule is to explain when tips are considered wages for UI purposes.
R6-3-1727	The objective of this rule is to explain under what circumstances meals or lodging furnished by an employer to a worker is considered wages for UI purposes.
R6-3-1803	The objective of this rule is to explain how DES provides benefit notice and determination to a claimant and an affected employer in connection with the filing of a UI claim.
R6-3-1806	The objective of this rule is to require the Department's participation in the Interstate Benefit Payment Plan as the agent for other states and Canada who subscribe to the Plan, according to A.R.S. § 23-644.
R6-3-1808	The objectives of this rule are to describe payment on account of retirement and explain how the receipt of a pension affects UI benefits.
R6-3-1809	The objectives of this rule are to explain the eligibility requirements for approved training according to A.R.S. § 23-771.01 with respect to UI and who is eligible to receive UI benefits while participating in an approved training program.
R6-3-1810	The objectives of this rule are to explain how DES applies definitions of wages in R6-3-1705 to determine whether an individual has earned sufficient wages for UI requalification purposes and what qualifies as wages to meet the various requalification requirements.
R6-3-1811	The objectives of this rule are to explain how benefits are redetermined when required by a statutory change, explain how UI weekly benefit amounts and unpaid balances are recalculated, and establish claimant protest rights.
R6-3-1812	The objective of this rule is to describe how interest on benefit overpayments is computed according to A.R.S. § 44-1201.
R6-3-1813	The objective of this rule is to allow recoupment of overpayments by tax offset under certain conditions in accordance with A.R.S. § 23-787(D).
R6-3-5005	The objective of this rule is to define terms specific to Article 50 for the purpose of interpreting A.R.S. § 23-775(1) and A.R.S. § 23-727(D).
R6-3-5040	The objective of this rule is to explain the difference between a worker who leaves a job to attend school and a worker approved for and attending training as prescribed in A.R.S. § 23-771-01 and R6-3-1809.
R6-3-50135	The objective of this rule is to explain the distinction between a quit and discharge when determining a worker’s separation from employment.
R6-3-50135.01	The objective of this rule is to explain the distinction between a quit and discharge when a separation occurs because of a worker’s absence from work and a discharge is not established.
R6-3-50135.02	The objective of this rule is to explain when a worker’s separation from employment due to the worker volunteering for layoff or furlough based on a reduction in the workforce is considered a quit or discharge.
R6-3-50135.03	The objectives of this rule are to define “leave of absence” and provide guidelines for determining whether a worker’s separation from employment because of a

	leave of absence from work is considered a quit or a discharge.
R6-3-50135.04	The objective of this rule is to explain when a worker's separation from employment due to an investigative or disciplinary suspension is considered a quit or discharge.
R6-3-50135.05	The objective of this rule is to establish guidelines to determine when a worker's separation from a business in which the worker was a corporate officer is considered a quit or a discharge.
R6-3-50135.06	The objective of this rule is to explain when a worker's separation from a temporary services employer or leasing employer, as defined in A.R.S. § 23-614(G), is considered a quit or a discharge.
R6-3-50138	The objective of this rule is to explain what does and does not constitute good cause when a worker leaves employment due to disciplinary action taken against the worker.
R6-3-50150	The objective of this rule is to establish guidelines for determining when a worker leaves employment because of transportation or commuting distance is or is not for good cause.
R6-3-50155	The objective of this rule is to establish guidelines for determining when a worker leaves employment due to domestic circumstances is or is not for good cause.
R6-3-50190	The objectives of this rule are to explain what constitutes evidence, establish where the burden of proof lies when an individual has voluntarily separated from employment, and explain how the weight and sufficiency of evidence is determined.
R6-3-50210	The objective of this rule is to establish how DES determines "good cause" when considering a worker's voluntary separation from employment.
R6-3-50235	The objective of this rule is to establish how DES determines "good cause" when considering a worker's voluntary separation from employment due to the worker's health or physical condition; actual or risk of illness or injury; and pregnancy.
R6-3-50315	The objective of this rule is to establish how DES determines if a worker has left work voluntarily or has refused an offer of new work when the worker resigns rather than accepting conditions of employment that are different from those under which the worker had been previously working.
R6-3-50345	The objective of this rule is to establish how DES determines whether a worker who retires is considered leaving employment voluntarily with or without good cause.
R6-3-50360	The objective of this rule is to explain the difference between a worker who leaves employment to care for personal affairs and a worker who leaves employment due to compelling personal reasons that leave the worker no alternative to quitting.
R6-3-50365	The objective of this rule is to establish how DES determines whether a worker who leaves employment because of the prospect of other work or a desire to enter self-employment is considered leaving employment with or without good cause.
R6-3-50450	The objective of this rule is to establish how DES determines whether a worker who leaves employment due to an objection to working a particular day or days,

	or the hours for which the worker is scheduled, is considered leaving employment with or without good cause.
R6-3-50475	The objective of this rule is to establish how DES determines whether a worker who leaves employment due to an alleged or actual violation of a collective bargaining agreement or due to a refusal to join or retain membership in a union, is considered leaving employment with or without good cause.
R6-3-50500	The objective of this rule is to establish how DES determines whether a worker who leaves employment due to various circumstances concerning wages is considered leaving employment with or without good cause.
R6-3-50515	The objective of this rule is to establish how DES determines whether a worker who leaves employment due to dissatisfaction with working conditions is considered leaving employment with or without good cause.
R6-3-5105	The objectives of this rule are to define “misconduct” and to explain when a worker’s discharge is considered leaving employment for compelling personal reasons.
R6-3-5115	The objective of this rule is to establish how DES determines misconduct when a worker is discharged from employment due to absenteeism.
R6-3-5145	The objective of this rule is to establish how DES determines misconduct when a worker is discharged from employment due to attitudes or actions toward an employer.
R6-3-5185	The objective of this rule is to establish how DES determines misconduct connected with the work when a worker is discharged from employment due to a worker’s act or acts in connection with the work.
R6-3-51140	The objective of this rule is to establish how DES determines misconduct when a worker is discharged from employment due to misappropriation of funds or property, or the falsification of employment records.
R6-3-51190	The objectives of this rule are to explain what constitutes evidence, establish where the burden of proof lies, and explain how the weight and sufficiency of evidence is determined when an individual has been discharged from employment.
R6-3-51235	The objective of this rule is to establish that a discharge due to an individual’s pregnancy is never disqualifying, but under certain conditions may be for compelling personal reasons not attributable to the employer.
R6-3-51255	The objective of this rule is to establish how DES determines misconduct when a worker is discharged from employment due to insubordination.
R6-3-51270	The objective of this rule is to establish how DES determines misconduct when a worker is discharged from employment due to intoxication or the use of intoxicants, including illegal drugs.
R6-3-51300	The objectives of this rule are to define “ordinary care” and to establish how DES determines misconduct when a worker is discharged from employment due to failing to exercise ordinary care in the performance of job duties.
R6-3-51310	The objective of this rule is to establish how DES determines misconduct when a worker is discharged from employment due to neglect of duty.

R6-3-51345	The objectives of this rule are to establish how DES determines when a worker is discharged from employment for nondisqualifying reasons when a worker has no alternative to retiring or leaving employment because of a requirement imposed by the employer or a collective bargaining agreement and how DES determines an employer's chargeability for benefits according to A.R.S. § 23-727 and R6-3-1708.
R6-3-51385	The objectives of this rule are to establish how DES determines misconduct when a worker is discharged from employment due to an act or acts committed by the worker and the burden falls on the employer to establish a causal relationship between the worker's act or acts and the worker's discharge.
R6-3-51390	The objectives of this rule are to establish how DES determines misconduct when a worker is discharged from employment due to relations with fellow employees, including the use of abusive or profane language, altercation or assault, and annoyance of a fellow employee.
R6-3-51435	The objective of this rule is to establish how DES determines misconduct when a worker is discharged from employment due to tardiness.
R6-3-51475	The objective of this rule is to establish how DES determines misconduct when a worker is discharged from employment due to union activity.
R6-3-51485	The objective of this rule is to establish how DES determines misconduct when a worker is discharged from employment due to violations of company rule.
R6-3-51490	The objective of this rule is to establish how DES determines misconduct when a worker is discharged from employment due to a violation of a public law or rule.
R6-3-5205	The objective of this rule is to ensure a uniform understanding of a claimant's ability and availability for work with respect to UI, providing general guidelines determining if an individual is able and available for work.
R6-3-5240	The objective of this rule is to ensure that Department procedures pertaining to attendance at a school or training course are uniformly enforced, providing guidelines for determining if an individual attending school or a training course is available for work.
R6-3-5245	The objective of this rule is to ensure that Department procedures pertaining to security clearance requirements are uniformly enforced, providing guidelines for determining if an individual who has been denied access to classified security information is available for work.
R6-3-5270	The objective of this rule is to ensure that Department procedures pertaining to citizenship and residence requirements are uniformly enforced, providing guidelines for determining if an individual who is not a citizen of the United States is available for work.
R6-3-5290	The objective of this rule is to ensure that Department procedures pertaining to limited work availability due to conscientious objection are uniformly enforced, providing guidelines for determining if an individual who self-restricts hours or days of work for religious reasons is available for work.
R6-3-52105	The objective of this rule is to ensure that Department procedures pertaining to work availability and contract obligations are uniformly enforced, providing guidelines for determining if an individual who has restrictions due to contract obligations is available for work.



R6-3-52150	The objective of this rule is to ensure that Department procedures pertaining to distance to work are uniformly enforced, providing guidelines for determining if an individual who resides a substantial distance from the labor market, is in transient status, or has a transportation restriction or is available for work.
R6-3-52155	The objective of this rule is to ensure that Department procedures pertaining to domestic circumstances are uniformly enforced, providing guidelines for determining if an individual with restrictions caused by domestic obligations is available for work.
R6-3-52160	The objective of this rule is to ensure that Department procedures pertaining to an effort to secure employment and a willingness to work are uniformly enforced, providing guidelines for determining if an individual is following a course of action reasonably designed to result in prompt reemployment.
R6-3-52165	The objective of this rule is to ensure that Department procedures pertaining to employers' rights to establish requirements are uniformly enforced, providing guidelines for determining if an individual who cannot meet the job requirements of certain employers is available for work.
R6-3-52180	The objective of this rule is to ensure that Department procedures pertaining to work-required equipment are uniformly enforced, providing guidelines for determining if an individual who works in an occupation that may require tools or other special equipment, and does not possess such tools or special equipment, is available for work.
R6-3-52190	The objective of this rule is to ensure that Department procedures pertaining to evidence are uniformly enforced, establishing where the burden of proof lies in determining eligibility on certain able to work and available for work issues.
R6-3-52235	The objective of this rule is to ensure the Department procedures pertaining to an individual's health and physical condition are uniformly enforced, providing guidelines for determining if an individual with certain health-related or physical condition-related restrictions is able to work.
R6-3-52250	The objective of this rule is to ensure that Department procedures pertaining to incarceration or other legal detention are uniformly enforced, providing guidelines for determining if an individual who is incarcerated or has other legal restrictions is available for work.
R6-3-52285	The objective of this rule is to ensure that Department procedures pertaining to leave of absence are uniformly enforced, providing guidelines for determining if an individual who is on vacation or a leave of absence is available for work.
R6-3-52295	The objective of this rule is to ensure that Department procedures pertaining to the length of unemployment are uniformly enforced, providing guidelines for factoring the length of time an individual has been unemployed in determining whether the individual is available for work.
R6-3-52305	The objective of this rule is to ensure that Department procedures pertaining to military service are uniformly enforced, providing guidelines for determining if an individual who is waiting for induction into the military service or for a call up to active duty is available for work.
R6-3-52320	The objective of this rule is to ensure that Department procedures pertaining to notification of address are uniformly enforced, specifying that, in order to be considered available for work, an individual must keep the Department and any

	employer with whom the individual is subject to recall, informed of the individual's current mailing address.
R6-3-52370	The objective of this rule is to ensure that Department procedures pertaining to public service are uniformly enforced, providing guidelines for determining if an individual who has public service or civic obligations such as jury duty or serving in a public office is available for work.
R6-3-52375	The objective of this rule is to ensure that Department procedures pertaining to the receipt of disability compensation, pension, or health insurance benefits are uniformly enforced, providing guidelines for determining if an individual that is receiving disability or pension payments, or group health benefits for a period of recuperation, is available for and able to work.
R6-3-52415	The objective of this rule is to ensure that Department procedures pertaining to self-employment or other work are uniformly enforced, providing guidelines for determining if an individual who is engaged in a self-employment venture is available for work.
R6-3-52450	The objective of this rule is to ensure that Department procedures pertaining to time requirements are uniformly enforced, providing guidelines for determining if an individual who self-restricts the hours that the individual is willing to work is available for work.
R6-3-52475	The objective of this rule is to ensure that Department procedures pertaining to union relation requirements are uniformly enforced, establishing that both an individual who obtains work through a union and an individual who does not belong to a union can be considered available for work.
R6-3-52500	The objective of this rule is to ensure that Department procedures pertaining to wage requirements are uniformly enforced, providing guidelines for determining if an individual's wage demands render the individual unavailable for work.
R6-3-52510	The objective of this rule is to ensure that Department procedures pertaining to the nature of an individual's work are uniformly enforced, providing guidelines for determining if an individual who is unable to work in the individual's normal occupation is available for work.
R6-3-5305	The objective of this rule is to ensure a uniform understanding of essential terms used in the administration of the refusal to work benefit policy, providing definitions and general guidelines.
R6-3-53150	The objective of this rule is to ensure that Department procedures pertaining to the distance to work requirements are uniformly enforced, providing guidelines for determining whether disqualification is appropriate when an individual has refused a job because of the commuting distance.
R6-3-53170	The objective of this rule is to ensure that Department procedures pertaining to offers of, and referrals to work are uniformly enforced, specifying factors to be considered in determining whether an individual actually refused to accept a referral to a job.
R6-3-53195	The objective of this rule is to ensure that Department procedures pertaining to experience or training requirements are uniformly enforced, providing guidelines for considering an individual's training and experience when determining disqualification is appropriate for refusing a job or a referral to a job.

R6-3-53235	The objective of this rule is to ensure that Department procedures pertaining to an individual's health or physical condition are uniformly enforced, providing guidelines for considering any potential health risk when determining the suitability of an offered job or referral.
R6-3-53265	The objective of this rule is to ensure that Department procedures pertaining to an individual's interview and acceptance of employment are uniformly enforced, specifying that a disqualification may be applied if an individual by word or action indicates to an employer that the individual is not applying for a job in good faith.
R6-3-53295	The objective of this rule is to ensure that Department procedures pertaining to an individual's length of unemployment are uniformly enforced, establishing that, when determining the suitability of offered work, the length of time an individual has been unemployed is to be considered.
R6-3-53330	The objective of this rule is to ensure that Department procedures pertaining to an offer of work are uniformly enforced, establishing that before a disqualification can be assessed it must be established that there was a bona fide offer of work and that the offer was made since the individual became unemployed.
R6-3-53335	The objective of this rule is to ensure that Department procedures pertaining to offered work previously left or refused are uniformly enforced, providing guidelines for determining if an offer of a position previously held by an individual is to be considered an offer of suitable work.
R6-3-53365	The objective of this rule is to ensure that Department procedures pertaining to the prospect of other work are uniformly enforced, explaining that, when determining whether a job is suitable, the individual's prospects for other work are to be considered.
R6-3-53380	The objective of this rule is to ensure that Department procedures pertaining to polygraph examination requirements are uniformly enforced, stipulating that an individual shall not be denied benefits for refusing a job because the submittal to a polygraph test was a condition of the job.
R6-3-53450	The objective of this rule is to ensure that Department procedures pertaining to time and hour requirements are uniformly enforced, providing guidelines for considering the hours of work when determining the suitability of an offered job or referral.
R6-3-53475	The objective of this rule is to ensure that Department procedures pertaining to union relations are uniformly enforced, specifying that an individual shall not be denied benefits for refusing a job if the individual would have been required to either join a union or resign from a union.
R6-3-53480	The objective of this rule is to explain the term "labor dispute," ensuring an understanding and correct application of the term and to explain that benefits cannot be denied to an otherwise eligible claimant for refusing to accept new work if an offered position is vacant due to a circumstance of a labor dispute.
R6-3-53500	The objective of this rule is to ensure that Department procedures pertaining to wages are uniformly enforced, providing guidelines for considering the rate of pay when determining the suitability of an offered job or referral.
R6-3-53510	The objective of this rule is to ensure that Department procedures pertaining to the customary nature of work are uniformly enforced, specifying that an individual's customary occupation is to be taken into consideration when

	determining the suitability of an offered job or referral.
R6-3-53515	The objective of this rule is to ensure that Department procedures pertaining to working conditions are uniformly enforced, providing guidelines for considering the working conditions when determining the suitability of an offered job or referral.
R6-3-5460	The objective of this rule is to ensure a uniform understanding of the benefit disqualification period, explaining when a disqualification begins on a separation from employment for a voluntary quit or a discharge.
R6-3-5475	The objective of this rule is to ensure that Department procedures pertaining to claims and registration requirements are uniformly enforced, providing the requirements for filing a claim for benefits and for participating in reemployment services and various types of eligibility interviews.
R6-3-5495	The objectives of this rule are to explain the term “last employment,” ensuring an understanding and correct application of the term and to explain what constitutes last employment for the purposes of disqualification from benefits, specifying that a disqualification can only be assessed on a separation from an individual’s last employer.
R6-3-54100	The objective of this rule is to clarify terms and procedures used in the implementation of provisions specific to the denial of extended benefits for failure to accept suitable work or actively seek work when an individual files a claim under the interstate benefit payment plan.
R6-3-54340	The objective of this rule is to ensure that Department procedures pertaining to overpayments and administrative penalties associated with an individual making false statements or misrepresentations are uniformly enforced, explaining the penalty and the application of penalty for making a fraudulent statement.
R6-3-55415	The objective of this rule is to ensure that Department procedures pertaining to commission sales positions are uniformly enforced, providing guidelines for determining whether an individual engaged in commission sales is available for work and thus eligible for benefits.
R6-3-55460	The objective of this rule is to ensure that Department procedures pertaining to types of compensation are uniformly enforced, explaining how the receipt of various types of separation pay, as well as the receipt of unused vacation, back pay awards, holiday, or sick pay affects the receipt of benefits.
R6-3-5601	The objective of this rule is to explain terms used in Article 56, to ensure an understanding and interpretation of how article rules are applied in regard to determining if a labor dispute exists.
R6-3-5602	The objective of this rule is to clarify requirements pertaining to the provision of information regarding a labor dispute to the Department, specifying labor dispute information that employers and labor organizations are required to provide to the Department upon request.
R6-3-5603	The objective of this rule is to ensure that Department procedures pertaining to eligibility during a labor dispute are uniformly enforced, providing guidelines for determining if a person is unemployed due to specifically addressed labor dispute circumstances.
R6-3-5604	The objective of this rule is to ensure that Department procedures pertaining to

termination of the labor dispute disqualification are uniformly enforced, providing guidelines for determining whether a disqualification because of a labor dispute remains in effect if, during the dispute, the individual quits, is discharged, accepts new work, or experiences other specified circumstances.

**3. Are the rules effective in achieving their objectives?**

Yes

No

*If not, please identify the rule(s) that is ineffective and provide an explanation for why the rule(s) is ineffective.*

Rule	Explanation
R6-3-1404	This rule is ineffective in achieving the objective because the reasons for the Department to consider a late submission of a document as timely does not include when an individual submits a change of address to the Department.
R6-3-1408	This rule is ineffective in achieving the objective because it contains unnecessary and misleading details about locations of and methods for an employer to obtain an application to request to take part in qualified transient lodging employment, which is available via the Department website and not by visiting any UI office or any UI tax representative.
R6-3-1502	This rule is ineffective in achieving the objective because it does not establish an interested party's ability to submit documents electronically, provides incorrect timeline for delivery of notice of continued hearing to interested parties and submission of a written statement setting forth the facts of the case by an interested party to the Office of Appeals.
R6-3-1503	This rule is ineffective in achieving the objective because it provides incorrect timelines for filing a request for review with the appeals board, when a party can request to reopen a hearing, file an appeal, or file a petition to review an Appeal Tribunal decision.
R6-3-1504	This rule is ineffective in achieving the objective because it provides an incorrect timeline for an interested party to petition the Appeals Board for review.
R6-3-1506	This rule is ineffective in achieving the objective because it provides an incorrect timeline for an interested party to petition the DES Appeals Board to review a reconsidered determination.
R6-3-1716	This rule is ineffective in achieving the objective because it incorrectly provides an employer the date of January 31 instead of February 28 as the date by which an employer's voluntary contributions must be postmarked.
R6-3-1722	This rule is ineffective in achieving the objective because it includes definitions that are out of place, making it difficult for the reader to reference.
R6-3-1727	This rule is ineffective in achieving the objective because the rule establishes a minimum value of meals and lodging that is outdated and purposeless.
R6-3-1803	This rule is ineffective in achieving the objective because it does not specify whether "days" refers to calendar days or business days in regards to the length of time an employer may protest payment to a claimant.
R6-3-1809	This rule is ineffective in achieving the objective because it does not specify whether "days" refers to calendar days or business days in regards to when a claim is timely filed.

R6-3-50135	This rule is ineffective in achieving the objective because it does not specify whether “days” refers to calendar days or business days in regards to the length of time in which a worker's separation from employment is considered a quit.
R6-3-50135.04	This rule is ineffective in achieving the objective of ensuring that Department procedures pertaining to separations from employment are uniformly enforced because it references an “unreasonable period of time” without defining what will be considered “unreasonable.”
R6-3-50135.05	This rule is ineffective in achieving its objective of ensuring that Department procedures pertaining to separations from employment are uniformly enforced because it is not clearly stated that a corporate officer's separation from a business in which the worker was a corporate officer is not a layoff.
R6-3-50155	This rule is ineffective in achieving its objective of ensuring that Department procedures pertaining to leaving employment are uniformly enforced, because it does not include the Department’s rules for adjudicating a leave on the basis of a personal matter, such as divorce proceedings.
R6-3-50190	This rule is ineffective in achieving its objective of ensuring that Department procedures relative to evidence are uniformly enforced because it contains a definition for “evidence” that is not compliant with U.S. Department of Labor (USDOL) guidance contained in Employment and Training Handbook No. 301.
R6-3-50210	This rule is ineffective in achieving its objective of explaining the term “good cause” because it is composed entirely of extensive procedural information that is inappropriate for administrative rule.
R6-3-50475	This rule is ineffective in achieving its objective of ensuring that Department procedures pertaining to leaving employment are uniformly enforced because it provides extensive information about one's right to refuse to join or retain membership in a union, which is unnecessary because a specific statute (A.R.S. § 23-1302) has been adopted to establish Arizona as a “right-to-work” state.
R6-3-51190	This rule is not efficient in achieving its objective of ensuring that Department procedures pertaining to evidence relative to a discharge for misconduct are uniformly enforced because it contains a definition for “evidence” that is not compliant with USDOL guidance contained in Employment and Training Handbook No. 301.
R6-3-5245	This rule is ineffective at achieving its objective of ensuring that Department procedures pertaining to security clearance requirements are uniformly enforced because it is entitled “Disloyalty,” making it difficult to know that it pertains to a worker’s ability to obtain and maintain a required Security Clearance.
R6-3-52150	This rule is ineffective at achieving its objective of ensuring that Department procedures pertaining to distance to work are uniformly enforced because it contains standards for ability and availability to work based on transportation and travel that are vague, leaving much open to interpretation.
R6-3-52160	This rule is ineffective in achieving the objective of assisting claimants in obtaining prompt reemployment. A.R.S. § 23-771 does not allow for any exception to the requirement to actively seek work, other than for an individual who is applying for shared work benefits. The current language allows for additional exceptions that could result in barriers to reemployment. It also

	contains arbitrary examples that do not apply in every circumstance.
R6-3-52190	This rule is not efficient in achieving its objective of ensuring that Department procedures pertaining to evidence are uniformly enforced because it contains a definition for “evidence” that is not compliant with USDOL guidance contained in Employment and Training Handbook No. 301.
R3-6-52295	This rule is ineffective at achieving its objective of ensuring that Department procedures pertaining to the length of unemployment are uniformly enforced because it is not compliant with A.R.S. § 23-776, which states that, during the first four weeks of a benefit period, a claimant shall not be determined unavailable because the claimant restricts the claimant's work search or willingness to work at the claimant's highest skill level. This rule currently states that this time period is not absolute.
R6-3-53150	This rule is ineffective at achieving its objective of ensuring that Department procedures pertaining to the distance to work requirements are uniformly enforced because it is not compliant with A.R.S. § 23-776, which states that during the first four weeks of a benefit period, the Department shall consider the claimant's length of unemployment and prospects for securing local work in the claimant's customary occupation and the distance of the available work from the claimant's residence.
R6-3-53195	This rule is ineffective at achieving its objective of ensuring that Department procedures pertaining to experience or training requirements are uniformly enforced because it is not compliant with A.R.S. § 23-776, which states that, during the first four weeks of a benefit period, a claimant will not be required to accept work at a level less than their highest skill. This rule currently states that this time period is not absolute.
R6-3-53235	This rule is ineffective at achieving its objective of ensuring that Department procedures pertaining to an individual’s health or physical condition are uniformly enforced because there is a missing evidence requirement for “Risk of Illness or injury,” although the Department does require evidence, in accordance with state and federal law, in these circumstances.
R6-3-53295	This rule is ineffective at achieving its objective of ensuring that Department procedures pertaining to an individual’s length of unemployment are uniformly enforced because it is not in compliant with A.R.S. § 23-776, which states that during the first four weeks of a benefit period, ta claimant shall not be considered unavailable if the claimant does not consider employment outside of the claimant's primary occupation.
R6-3-53335	This rule is ineffective at achieving its objective of ensuring that Department procedures pertaining to offered work previously left or refused are uniformly enforced because it is not in compliant with A.R.S. § 23-776, which states that, during the first four weeks of a benefit period, work shall not be deemed suitable if a claimant was previously disqualified in connection with the claimant's separation or was previously disqualified for refusing a job offer for such a position .
R6-3-53500	This rule is ineffective at achieving its objective of ensuring that Department procedures pertaining to wages are uniformly enforced because it is not in compliance with A.R.S. § 23-776, which states that, during the first four weeks of a benefit period, a claimant will not be required to accept work at a level less than their highest skill. This rule currently states that this time period is not

	absolute.
R6-3-53510	This rule is ineffective at achieving its objective of ensuring that Department procedures pertaining to the customary nature of work are uniformly enforced because it is not in compliant with A.R.S. § 23-776, which states that, during the first four weeks of a benefit period, a claimant shall not be considered unavailable for work if the claimant has only considered work in the claimant's customary occupation.
R6-3-54340	This rule is ineffective at achieving the objective of ensuring that Department procedures pertaining to overpayments and administrative penalties associated with an individual making false statements or misrepresentations are uniformly enforced because, although the body of the rule contains information regarding administrative penalties, it is entitled "Overpayments (Miscellaneous)," making it difficult to locate pertinent information.

4. **Are the rules consistent with other rules and statutes?** Yes  No

*If not, please identify the rule(s) that is inconsistent. Also, provide an explanation and identify the provisions that are inconsistent with the rule.*

Rule	Explanation
R6-3-1502	This rule is inconsistent with A.R.S. § 23-682, which provides that the appeal tribunal or appeals board may serve or deliver any notice, decision or order or any other document by electronic means when the party being served consents in writing or on the record of service by electronic means. The rule does not allow for use of electronic means of delivery.
R6-3-1503	This rule is inconsistent with A.R.S. § 23-671, which allows 30 days for filing a petition with the appeals board to review an appeal tribunal decision. The rule currently states that only 15 days are allowed.
R6-3-1504	This rule is inconsistent with A.R.S. § 23-671, which allows 30 days for filing a petition with the appeals board to review an appeal tribunal decision. The rule currently states that only 15 days are allowed.
R6-3-1506	This rule is inconsistent with A.R.S. § 23-671, which allows 30 days for filing a petition with the appeals board to review an appeal tribunal decision. The rule currently states that only 15 days are allowed.
R6-3-1507	This rule is inconsistent with A.R.S. § 23-671, which allows 30 days for filing a petition with the appeals board to review an appeal tribunal decision. The rule currently states that only 15 days are allowed.
R6-3-50235	This rule is inconsistent with legislative change H.B. 2667 (2014), which amended several A.R.S. sections to change all forms of the words "handicap" and "disabled" to "disability" or "with a disability."
R6-3-50190	This rule is inconsistent with USDOL guidance provided in Employment and Training Handbook No. 301, which defines evidence acceptable for UI eligibility and offers guidelines for making a "reasonable attempt" to obtain evidence necessary to determine a claimant's eligibility. As written, this rule provides a general definition for "evidence" that is not compliant with the federal definition applicable to UI. While consistent with R6-3-51190 and R6-3-52190, it is also redundant as it contains the same information regarding the definition of evidence.



R6-3-51190	This rule is inconsistent with USDOL guidance provided in Employment and Training Handbook No. 301, which defines evidence acceptable for UI eligibility and offers guidelines for making a “reasonable attempt” to obtain evidence necessary to determine a claimant’s eligibility. As written, this rule provides a general definition for “evidence” that is not compliant with the federal definition applicable to UI. While consistent with R6-3-50190 and R6-3-52190, it is also redundant as it contains the same information regarding the definition of evidence.
R6-3-53150	This rule is inconsistent with A.R.S. § 23-776, which states that after the first four weeks of a benefit period, the Department shall consider any employment offer that pays one hundred twenty percent of the individual’s weekly benefit amount to be suitable work. The rule as written does not make it clear that the standard changes after four weeks.
R6-3-52160	This rule is inconsistent with A.R.S. § 23-771, which does not allow for any exception to the requirement to actively seek work other than for an individual who is applying for shared work benefits. The current language allows for additional exceptions that conflict with statute.
R6-3-52190	This rule is inconsistent with USDOL guidance provided in Employment and Training Handbook No. 301, which defines evidence acceptable for UI eligibility and offers guidelines for making a “reasonable attempt” to obtain evidence necessary to determine a claimant’s eligibility. As written, this rule provides a general definition for “evidence” that is not compliant with the federal definition applicable to UI. While consistent with R6-3-50190 and R6-3-51190, it is also redundant as it contains the same information regarding the definition of evidence.
R6-3-52295	This rule is inconsistent with A.R.S. § 23-776, which states that after the first four weeks of a benefit period, the Department shall consider any employment offer that pays one hundred twenty percent of the individual’s weekly benefit amount to be suitable work. The rule as currently written provides alternative methods for determining suitability after the first four weeks of a benefit period.
R6-3-50475	This rule is inconsistent with A.R.S § 23-1302 because the rule relates to refusal to join or retain membership in a union but a specific statute has been adopted to establish Arizona as a “right to work” state, making this part of the rule irrelevant.

**5. Are the rules enforced as written?**

Yes  No

*If not, please identify the rule(s) that is not enforced as written and provide an explanation of the issues with enforcement. In addition, include the agency’s proposal for resolving the issue.*

<b>Rule</b>	<b>Explanation</b>
R6-3-1502	The rule is not enforced as written because it does not include information regarding the provision of a notice of continued hearing, but the Department has internal standards for providing these notices. Additionally omitted from the rule is the ability for the Department to deliver notices electronically; however, the Department does currently deliver some notices electronically. The Department proposes to amend the rule to add the timeline within which a notice of continued hearing must be provided, as well as to expand the methods by which notices may be delivered.

R-6-3-1503	This rule is not enforced as written because it states a 15-day timeline for filing a request for review with the appeals board when the statutory limit (A.R.S. § 23-671) is 30 days. The Department follows the provisions of statute rather than any outdated language in current rules. The Department proposes to convert all 15-day references to 30.
R6-3-1504	This rule is not enforced as written because it is inconsistent with A.R.S. § 23-671, which allows 30 days for filing a petition with the appeals board to review an appeal tribunal decision; however, the rule currently states that only 15 days are allowed. The Department follows the provisions of statute rather than outdated language in rule. The Department proposes to amend this rule to state that 30 days are allowed for filing a petition for review. Additionally, the rule does not include the ability for an interested party to submit a petition by fax or electronically; however, the Department does currently accept these methods. The Department proposes to amend the rule to expand the methods by which a petition may be submitted.
R6-3-1506	This rule is not enforced as written because it is inconsistent with A.R.S. § 23-671, which allows 30 days for filing a petition with the appeals board to review an appeal tribunal decision; however, the rule currently states that only 15 days are allowed. The Department follows the provisions of statute rather than outdated language in rule. The Department proposes to amend this rule to state that 30 days are allowed for filing a petition for review.
R6-3-1507	This rule is not enforced as written because it is inconsistent with A.R.S. § 23-671, which allows 30 days for filing a petition with the appeals board to review an appeal tribunal decision; however, the rule currently states that only 15 days are allowed. The Department follows the provisions of statute rather than outdated language in rule. The Department proposes to amend this rule to state that 30 days are allowed for filing a petition for review.
R6-3-1809	This rule is not enforced as written because it incorrectly cites to the Job Training Partnership Act, which was superseded by the Workforce Investment Act in 1998, and again by the Workforce Innovation and Opportunity Act in 2014.
R6-3-50190	This rule is not enforced as written because it conflicts with USDOL guidance provided in Employment and Training Handbook No. 301, which defines evidence acceptable for UI eligibility and offers guidelines for making a “reasonable attempt” to obtain evidence necessary to determine a claimant’s eligibility. As written, this rule provides a general definition for “evidence” that is not compliant with the federal definition applicable to UI. The Department follows federal guidance rather than any outdated language in current rules. The Department proposes to remove the definition for “evidence” and replace it with a reference to the federal guidance
R6-3-51190	This rule is not enforced as written because it conflicts with USDOL guidance provided in Employment and Training Handbook No. 301, which defines evidence acceptable for UI eligibility and offers guidelines for making a “reasonable attempt” to obtain evidence necessary to determine a claimant’s eligibility. As written, this rule provides a general definition for “evidence” that is not compliant with the federal definition applicable to UI. The Department follows federal guidance rather than any outdated language in current rules. The Department proposes to remove the definition for “evidence” and replace it with a reference to the federal guidance guidelines for making a “reasonable attempt” to obtain evidence necessary to determine a claimant’s eligibility. As written, this rule provides a general definition for “evidence” that is not compliant with the federal definition applicable

	to UI. The Department follows federal guidance rather than any outdated language in current rules.
R6-3-52160	This rule is not enforced as written because it is inconsistent with A.R.S. § 23-771, and the Department follows the provisions of statute rather than outdated language in rule. The Department proposes to amend this rule to remove exceptions to the requirement to actively seek work that is not allowed by law.
R6-3-52190	This rule is not enforced as written because it conflicts with USDOL guidance provided in Employment and Training Handbook No. 301, which defines evidence acceptable for UI eligibility and offers guidelines for making a “reasonable attempt” to obtain evidence necessary to determine a claimant’s eligibility. As written, this rule provides a general definition for “evidence” that is not compliant with the federal definition applicable to UI. The Department follows federal guidance rather than any outdated language in current rules. The Department proposes to remove the definition for “evidence” and replace it with a reference to the federal guidance.
R6-3-52295	This rule is not enforced as written because it is inconsistent with A.R.S. § 23-776, which states that after the first four weeks of a benefit period, the Department shall consider any employment offer that pays one hundred twenty percent of the individual’s weekly benefit amount to be suitable work. The rule as currently written provides alternative methods for determining suitability after the first four weeks of a benefit period. The Department follows the provisions of statute rather than any outdated language in current rules. The Department proposes to amend the rule to remove the alternative methods for determining suitable work related to an offer of employment.
R6-3-52305	This rule is not enforced as written because it does not state that a claimant who has been notified that the claimant will be placed on active duty or active duty for training on or before a definite date and is limited to accepting temporary work shall be willing to accept temporary work without additional personal restrictions. The Department proposes to amend the rule to make it clear a claimant awaiting to return to active duty shall be willing to accept temporary work.
R6-3-53150	This rule is not enforced as written because it is inconsistent with A.R.S. § 23-776, which states that after the first four weeks of a benefit period, the Department shall consider any employment offer that pays one hundred twenty percent of the individual’s weekly benefit amount to be suitable work. The rule as written does not make it clear that the standard changes after four weeks. The Department follows the provisions of statute rather than any outdated language in current rules. The Department proposes to amend the rule to align with A.R.S. § 23-776 (B)(2) and (C) to make it clear that the standard changes after four weeks.
R6-3-53235	This rule is not enforced as written because it is missing the evidence requirement for “Risk of Illness or injury;” however, the Department does require evidence in this case. The Department proposes to add the evidence requirement to the rule.

**6. Are the rules clear, concise, and understandable?**

Yes

No

*If not, please identify the rule(s) that is not clear, concise, or understandable and provide an explanation as to how the agency plans to amend the rule(s) to improve clarity, conciseness, and understandability.*

<b>Rule</b>	<b>Explanation</b>
R6-3-1403	This rule is not clear, concise, or understandable as written because the defined terms are not capitalized and there are missed opportunities for abbreviation, such as shortening “unemployment insurance” to “UI” and “the Department of Economic Security” to “the Department.” Additionally, the requirements for what an individual must provide before the Department releases information should be formatted as a list and more clearly stated. The Department proposes to capitalize defined terms, abbreviate terms where possible, and clarify language concerning the release of information.
R6-3-1404	This rule is not clear, concise, or understandable as written because it is self-referential, directing the audience to “Department regulation,” and the formatting used for citing other rules is incorrect. Additionally, the rule unnecessarily lists various examples of documents and there is an addendum about address change that requires its own subsection. There is also outdated language such as “must” where “shall” would be appropriate. The Department proposes to remove the reference to Department regulation, correct the citation formatting, remove the examples for documents and simply state “documents,” and establish a separate subsection for the address change item.
R6-3-1405	This rule is not clear, concise, or understandable as written because it has grammatical errors, including incorrect capitalization for defined terms throughout and use of numbers for amounts of 10 or less. Additionally, it defines terms that are already defined in statute (A.R.S. § 23-764). The Department proposes to capitalize defined terms, spell out numbers for amounts of 10 or less, and remove the definitions already included in statute.
R6-3-1406	This rule is not clear as written because it has grammatical errors including incorrect capitalization for defined terms throughout and use of numbers for amounts of 10 or less. The Department proposes to capitalize defined terms and spell out amounts of ten or more.
R6-3-1407	This rule is not clear as written because it has grammatical errors including incorrect capitalization for defined terms throughout and use of numbers for amounts of 10 or less. The Department proposes to capitalize defined terms and spell out amounts of ten or more.
R6-3-1408	This rule is not clear, concise, or understandable as written because it has grammatical errors including incorrect capitalization for defined terms throughout. Additionally, this rule includes definitions that are outdated. One definition is not appropriate for rule (“1-year period prior to such slowdown”) and other definitions are out of place in this section (“full-time equivalent” and “previous year”). Lastly, this rule contains unnecessary and misleading details about locations of and methods for obtaining documents. The Department proposes to capitalize all defined terms, update and refine the definitions appropriate for rule and move them to their own section, and to delete the definition inappropriate for rule. The Department also proposes to remove the extraneous information relating to document availability and incorporate that information in policy.
R6-3-1502	This rule is not clear as written because it has grammatical errors including incorrect capitalization for defined terms throughout and use of numbers for amounts of 10 or less. Additionally, this rule uses outdated and imprecise language and is missing important items such as an interested party’s ability to submit documents electronically and timelines for delivery of notice of continued

	<p>hearing. This rule also contains extraneous A.R.S. references. The Department proposes to capitalize defined terms and spell out amounts of ten or more. Additionally, the Department proposes to update the outdated and imprecise language, including removing unnecessarily elaborate phrases and A.R.S. references. Lastly, the Department proposes to introduce information regarding the ability to submit documents electronically and the timeframe for receiving a notice of continued hearing.</p>
R6-3-1503	<p>This rule is not clear, concise, or understandable as written because it has minor formatting issues, including blocks of text containing list items and outdated language (section A and B(2)). Additionally, this rule has grammatical errors including incorrect capitalization for defined terms throughout and use of numbers for amounts of 10 or less. Lastly, the rule states a 15-day timeline for filing a request for review with the appeals board, when the statutory limit is 30 days. The Department proposes to correct the minor grammatical errors, including capitalizing defined terms and spelling out amounts of ten or more. The Department also proposes to break the text blocks into list format, update outdated language, and change the 15-day references to 30.</p>
R6-3-1504	<p>This rule is not clear as written because:</p> <ul style="list-style-type: none"> <li>● This rule has grammatical errors including incorrect capitalization for defined terms throughout and use of numbers for amounts of 10 or less.</li> <li>● This rule uses outdated and imprecise language such as “will” instead of “shall,” and passive voice rather than identifying which party will take certain actions</li> <li>● This rule does not include the ability to petition for review electronically.</li> <li>● This rule states a 15-day timeline for filing a request for review with the appeals board when the statutory limit is 30 days.</li> </ul> <p>The Department proposes to correct the minor grammatical errors, including capitalizing defined terms, spelling out amounts of ten or more, and updating the outdated and imprecise language, including removing unnecessarily elaborate phrases and passive voice. The Department also proposes to change the 15-day references to 30 and include the ability to petition for review electronically.</p>
R6-3-1505	<p>This rule is not clear, concise, or understandable as written because it contains outdated phrasing, specifically saying “an appeal is taken against the Department...” The Department proposes to amend the language and use active language to improve clarity.</p>
R6-3-1506	<p>This rule is not clear, concise, or understandable as written because it has unnecessary and inaccurate A.R.S. citations and minor grammatical issues including incorrect capitalization for defined terms throughout and use of numbers for amounts of 10 or less. Additionally, the rule states a 15-day timeline for filing a request for review with the appeals board, when the statutory limit is 30 days. The Department proposes to remove the extraneous A.R.S. citations and correct the grammar errors, including capitalizing defined terms and spelling out amounts of ten or more. Lastly, the Department proposes to change the 15-day references to 30 and include the ability to petition for review electronically.</p>
R6-3-1507	<p>This rule is not clear, concise, or understandable as written because it has unnecessary and inaccurate A.R.S. citations and minor grammatical issues including incorrect capitalization for defined terms throughout and use of numbers for amounts of 10 or less. The Department proposes to remove the extraneous A.R.S. citations and correct the grammar errors by capitalizing</p>

	defined terms and spelling out amounts of ten or more.
R6-3-1601	This rule is not clear, concise, or understandable as written because it has unnecessary A.R.S. citations and minor grammatical issues including incorrect capitalization for defined terms throughout. The Department proposes to remove the extraneous A.R.S. citations and correct the grammar errors by capitalizing defined terms.
R6-3-1701	This rule is not clear, concise, or understandable because it has grammatical errors including incorrect capitalization for defined terms throughout, as well as outdated language (using “in” instead of “when”). The Department proposes to correct the grammar errors by capitalizing defined terms and updating the language to contemporary usage.
R6-3-1702	This rule is not clear, concise, or understandable because it has grammatical errors including incorrect capitalization for defined terms throughout and use of numbers for amounts of 10 or less. Additionally, the rule contains an unnecessary A.R.S. citation (it includes a definition that is already stated in A.R.S. § 23-614) and improper formatting for other rules or sections of rule. This rule also uses outdated wording, making the rule more lengthy than necessary. The Department proposes to correct the grammar errors by capitalizing defined terms and spelling out amounts of 10 or less. The Department also proposes to remove the A.R.S. citation and correct the formatting for other rules or sections of other rules and to remove or shorten outdated language
R6-3-1703	This rule is not clear, concise, or understandable because it has grammatical errors including incorrect capitalization for defined terms throughout and use of numbers for amounts of 10 or less. This rule also uses improper formatting for other rules or sections of rule and a block of text composed of a list of distinct items. The Department proposes to correct the grammar errors by capitalizing defined terms and spelling out amounts of 10 or less. The Department also proposes to reformat the rules or sections or rules to comply with the standard and to break the block of text into numbered list items.
R6-3-1704	This rule is not clear, concise, or understandable because it has grammatical errors including incorrect capitalization for defined terms throughout, use of numbers for amounts of 10 or less, and outdated, gender-specific language. This rule also makes inconsistent references to due dates and uses improper formatting for references to statute. The Department proposes to correct the grammar errors by capitalizing defined terms and spelling out amounts of 10 or less. The Department also proposes to replace all gender-specific references with gender-neutral wording and align all references to due dates, as well as properly format statutory references.
R6-3-1705	This rule is not clear, concise, or understandable because it has grammatical errors including incorrect capitalization for defined terms throughout. This rule also includes misplaced definitions within the body of the text and outdated language that makes the rule more lengthy than necessary. The Department proposes to correct the grammar errors by capitalizing defined terms.
R6-3-1706	This rule is not clear, concise, or understandable because it has grammatical errors including incorrect capitalization for defined terms throughout and numbers for amounts of 10 or less. This rule also uses incorrect formatting for citing statute, and includes sections of statute that are not appropriate or necessary to enter in rule Lastly, the rule contains a misplaced definition for “pay period” and contains multiple list items in one block of text. The Department proposes to correct the grammar errors by capitalizing defined

	terms and spelling out numbers of 10 or less. Additionally, the Department proposes to amend statutory citations to align with the standard and remove the sections of statute not appropriate for rule. Lastly, the Department proposes to remove the definition for “pay period,” moving it to R6-3-1701, and separate all list items into individually numbered items.
R6-3-1708	This rule is not clear, concise, or understandable because it has grammatical errors including incorrect capitalization for defined terms throughout and use of numbers for amounts of 10 or less. Additionally, some references to other rules in this section are outdated and the rule contains misplaced definitions, such as “retirement pay plan” and “collective retirement plan”. The Department proposes to correct the grammar errors by capitalizing defined terms and spelling out amounts of 10 or more, correct the references to other rules, amend the definitions for length and move them to the definitions section (R6-3-1701).
R6-3-1709	This rule is not clear, concise, or understandable because it has grammatical errors including incorrect capitalization for defined terms throughout and use of numbers for amounts of 10 or less. Additionally, this rule contains unnecessary A.R.S. citations and extraneous definitions such as a multi-part definition for “employment to the same extent.” The Department proposes to correct the grammar errors by capitalizing defined terms and spelling out amounts of 10 or more. The Department also proposes to remove the A.R.S. citations, and amend the definitions for length and move them to the definitions section (R6-3-1701).
R6-3-1710	This rule is not clear, concise, or understandable because it has grammatical errors including incorrect capitalization for defined terms throughout, and it uses an incorrect format for citing statute and provides extraneous information regarding statute. The Department proposes to correct the grammatical errors by capitalizing defined terms and to remove the unnecessary references to and descriptions of statute.
R6-3-1711	This rule is not clear, concise, or understandable because it has grammatical errors including incorrect capitalization for defined terms throughout and use of numbers for amounts of 10 or less. Additionally, this rule contains an unnecessary definition for “chargeable,” and some references to other rules in this section are outdated or not properly formatted. The Department proposes to correct the grammar errors by capitalizing defined terms and spelling out amounts of 10 or more, remove the unnecessary definition, and correct and reformat the references to other rules.
R6-3-1712	This rule is not clear, concise, or understandable because it has grammatical errors including incorrect capitalization for defined terms throughout and use of numbers for amounts of 10 or less. Additionally, this rule contains definitions that are not appropriate for this section, such as “Joint experience rating accounts,” “Combined experience rating accounts,” “Multiple experience rating accounts,” “General coverage,” “Agricultural coverage,” and “Domestic coverage.” The Department proposes to correct the grammar errors by capitalizing defined terms and spelling out amounts of 10 or more, as well as to amend the definitions for length and move them to the definitions section (R6-3-1701).
R6-3-1713	This rule is not clear, concise, or understandable because it uses incorrect capitalization for defined terms throughout and outdated wording. This rule also contains inaccurate references to other rules and definitions that are verbose and not appropriate to include in this section, such as “Reasonable value” and “Necessary information establishing the separate identity of the account.” The

	Department proposes to correct the grammatical errors by capitalizing defined terms, update the wording, correct the references to other rules, delete extraneous definitions and edit the remaining definitions for length before moving them to the definitions section (R6-3-1701).
R6-3-1715	This rule is not clear, concise, or understandable because it has grammatical errors including incorrect capitalization for defined terms throughout and use of numbers for amounts of 10 or less, as well as outdated wording. This rule is missing necessary references to statute (such as A.R.S. § 23-729) while including unnecessary references (“Reed Bill”), and it contains formulae that are already included in statute or are not appropriate to include in administrative rule (see Section D, Method of computation). The Department proposes to correct the grammatical errors by capitalizing defined terms and spelling out amounts of 10 or more, update the wording, include necessary references to statute, and remove the extraneous formulae.
R6-3-1716	This rule is not clear, concise, or understandable because it has minor grammatical errors including incorrect capitalization for defined terms throughout. This rule also includes unnecessary explanation of statute and an incorrect date by which voluntary contributions must be postmarked. The Department proposes to correct the grammatical errors by capitalizing defined terms, remove the extraneous explanation, and correct the date by which voluntary contributions must be postmarked.
R6-3-1717	This rule is not clear, concise, or understandable because it has minor grammatical errors including incorrect capitalization for defined terms throughout and outdated wording (gender-specific references). The rule also uses improper formatting for citing other rules. The Department proposes to correct the capitalization by capitalizing defined terms, update the wording to remove gender-specific references and correct the formatting for other rules that are cited.
R6-3-1718	This rule is not clear because it contains incorrect capitalization for defined terms throughout, as well as incorrect formatting for an A.R.S. citation. The Department proposes to correct the capitalization and the formatting.
R6-3-1720	This rule is not clear, concise, or understandable because it contains unnecessary definitions for “consumer goods,” “primarily resulting,” “preparation,” “tax returns,” “related schedules and documents” and “profits” as well as a misplaced definition for “overrides.” This rule also has minor grammatical issues throughout, such as incorrect capitalization for defined terms and imprecise language. The rule explains in detail the actions that might result from filing a tax return improperly, which are already outlined in A.R.S. § 42-1125.01. The Department proposes to remove the unnecessary definitions, relocate the misplaced definition to this article’s definitions section, and correct the grammatical issues by capitalizing defined terms. The Department also proposes to remove the information already contained in statute.
R6-3-1721	This rule is not clear, concise, or understandable because it has A.R.S. references that are improperly formatted and grammatical errors such as outdated language, incorrect capitalization for defined terms, and incorrect tense. The Department proposes to correct the formatting to standard A.R.S. citation format and correct the grammatical errors by using correct tense and capitalizing defined terms.
R6-3-1722	This rule is not clear, concise, or understandable because it consists of definitions that are out of place. The Department proposes to remove the definitions from this section and incorporate them to the definitions section (R6-



	3-1701) which relates to the entire article.
R6-3-1723	This rule is not clear, concise, or understandable because it contains unnecessary or out-of-place definitions and minor grammatical issues such as incorrect capitalization and imprecise language. The Department proposes to remove the unnecessary definitions and correct the grammatical issues.
R6-3-1725	This rule is not clear, concise, or understandable because it has grammatical errors such as outdated language (gender-specific) and incorrect capitalization. The rule also uses improper formatting for citing other rules. The Department proposes to correct the grammatical errors including capitalizing defined terms and update the language to avoid gender specificity, as well as to correct the formatting for other rules that are cited.
R6-3-1726	This rule is not clear, concise, or understandable because it has A.R.S. references that are improperly formatted and grammatical errors such as incorrect capitalization for defined terms. The rule also uses improper formatting for citing other rules. The Department proposes to correct the formatting and grammatical errors, including capitalizing all defined terms, as well as to correct the formatting for other rules that are cited.
R6-3-1727	This rule is not clear, concise, or understandable because it has grammatical errors such as incorrect capitalization for defined terms, and the values stated for meals and lodging have not been adjusted for inflation and increased cost of living since 1988, making them unusable by contemporary standards. The Department proposes to correct the grammatical errors, including correct capitalization for defined terms, and to update the values for meals and lodging.
R6-3-1803	This rule is not clear, concise, or understandable because it has grammatical errors including incorrect capitalization for defined terms throughout, use of numbers for amounts of 10 or less, outdated sentence structure, and does not specify whether “days” refers to calendar days or business days. The Department proposes to correct the grammar errors by capitalizing defined terms, spelling out numbers of 10 or less, updating sentence structure and replacing “days” with “Business Days”.
R6-3-1806	This rule is not clear, concise, or understandable because it is formatted incorrectly in terms of sentence structure. The Department proposes to correct the formatting in terms of sentence structure.
R6-3-1808	This rule is not clear, concise, or understandable because it has grammatical errors including incorrect capitalization for defined terms throughout, use of numbers for amounts of 10 or less, and incorrect articles of grammar. Additionally, there is an improper use of “%” rather than “percent.” The Department proposes to correct the grammatical errors, including correct capitalization for defined terms, spelling out numbers less than ten, and replacing the articles of grammar where appropriate. Additionally, the Department proposes to replace “%” with “percent.”
R6-3-1809	This rule is not clear, concise, or understandable because it has grammatical errors including incorrect capitalization for defined terms throughout, incorrect abbreviations, outdated sentence structure, and use of numbers for amounts of 10 or less. The rule cites an incorrect federal law (Job Training Partnership Act). Lastly, the rule uses incorrect formatting for citing other rules and does not specify whether “days” refers to calendar days or business days. The Department proposes to correct the grammatical errors, including correct capitalization for defined terms, abbreviating terms where appropriate, updating

	<p>sentence structure, and spelling out numbers of 10 or less. Additionally, the Department proposes to update the reference to federal law, replacing “Job Training Partnership Act” with “Workforce Innovation and Opportunity Act (20 CFR 676 and 677).” Lastly, the Department proposes to correct all improperly formatted references to other rules and replace “days” with “Calendar Days,” as appropriate.</p>
R6-3-1810	<p>This rule is not clear, concise, or understandable because it has grammatical errors including incorrect capitalization for defined terms throughout and incorrect abbreviations. The rule also uses improper formatting for citing sections within the rule and referencing statute. Also, the rule refers to “definitions” in section R6-3-1705, but that rule does not contain definitions. The Department proposes to correct the grammatical errors, including capitalizing all defined terms, and applying abbreviations where appropriate. The Department also proposes to correct the formatting for other sections and statutes cited in the rule, and to update the reference to R3-6-1705, to state that terms are “discussed” rather than “defined.”</p>
R6-3-1811	<p>This rule is not clear, concise, or understandable because it has grammatical errors including incorrect capitalization for defined terms throughout, incorrect abbreviation, outdated spelling and word choice (“insure” and “utilized”), and the incorrect use of the “cents” symbol. The rule also uses improper formatting for citing sections within the rule. The Department proposes to correct the grammatical errors, including capitalizing all defined terms, abbreviating where appropriate, updating spelling and word choices (“ensure” and “used”), and converting “cents” to a fraction of one dollar. Additionally, the Department proposes to correct the formatting for other sections cited in the rule.</p>
R6-3-1812	<p>This rule is not clear, concise, or understandable because it has grammatical errors including incorrect capitalization for defined terms throughout, improper verb tense, and incorrect abbreviations. The Department proposes to correct the grammatical errors, including capitalizing all defined terms, using proper verb tense, and abbreviating where appropriate.</p>
R6-3-1813	<p>This rule is not clear, concise, or understandable because it has grammatical errors including incorrect capitalization for defined terms, it contains unnecessary A.R.S. citations, improper use of symbols (%) instead of the word “percent.” Additionally, as currently worded, this rule contains a definition for “no reasonable attempt,” which is not used anywhere else in 6AAC3. The Department proposes to correct the grammatical errors, including correct capitalization for defined terms, remove the unnecessary A.R.S. citations and update “%” to “percent” throughout. Additionally, the Department proposes to rephrase the rule as a standard, rather than a definition.</p>
R6-3-5005	<p>This rule is not clear, concise, and understandable because it does not clearly define the necessary terms used within the rules in Article 50. The Department proposes to include updated terminology, definitions, and an index of definitions consistent with current federal regulation and relevant to the Unemployment Insurance program.</p>
R6-3-5040	<p>This rule is not clear, concise, or understandable as written because it has minor grammatical errors such as incorrect capitalization for defined terms and imprecise language such as the use of “worker” rather than “claimant.” Additionally, the rule uses improper formatting for citing other rules. The Department proposes to correct the grammatical errors by using correct capitalization and to correctly format references to other rules. Additionally, the</p>

	Department proposes to update imprecise language.
R6-3-50135	This rule is not clear, concise, or understandable as written because it has minor grammatical errors, including incorrect capitalization and failure to capitalize defined terms. Additionally, the rule uses improper formatting for citing other rules and is vague regarding whether “days” refers to calendar or business days. The Department proposes to correct the grammatical errors, capitalizing where appropriate, and to correctly format references to other rules. Lastly, the Department proposes to change “days” to “Calendar Days.”
R6-3-50135.01	This rule is not clear, concise, or understandable as written because it is improperly formatted, with incorrect section numbering and unnecessarily repetitive wording. Additionally, although it is not a new section, the rule is missing from the Table of Contents. The Department proposes to update the formatting to be consistent with other rules and add the rule to the Table of Contents.
R6-3-50135.02	This rule is not clear, concise, or understandable as written because it is improperly formatted, with incorrect section numbering and unnecessarily repetitive wording. Additionally, although it is not a new section, the rule is missing from the Table of Contents. Lastly, defined terms are not capitalized. The Department proposes to update the formatting to be consistent with other rules and add the rule to the Table of Contents, as well as to capitalize all defined terms.
R6-3-50135.03	This rule is not clear, concise, or understandable as written because it contains definitions that are misplaced, has minor grammatical errors and although it is not a new section, the rule is missing from the Table of Contents. Additionally, the rule uses improper formatting for citing other rules. The Department proposes to remove the definitions from this section and incorporate them into the definitions section (R6-3-1301), update the formatting to be consistent with other rules, and add the rule to the Table of Contents. The Department also proposes to correct the capitalization and tense errors and to correctly format references to other rules
R6-3-50135.04	This rule is not clear, concise, or understandable as written because it contains minor grammatical errors, unnecessarily references another rule to be used for determining good cause, contains detailed descriptions regarding types of separation, which are not appropriate for administrative rules, references an “unreasonable period of time” without defining what will be considered “unreasonable”, and although it is not a new section, the rule is missing from the Table of Contents. The Department proposes to incorporate the content of R-6-50138 into this rule, remove the descriptions for types of separation and incorporate them into Department policy, add a section defining what the Department will consider an “unreasonable amount of time,” and correct the grammatical errors by capitalizing defined terms and spelling out numbers of 10 or less. Lastly, the Department proposes to add the rule to the Table of Contents.
R6-3-50135.05	This rule is not clear, concise, or understandable as written because it is not clearly stated that when a corporate officer separates from a business, this should not be considered a layoff. Additionally, this rule is improperly formatted, with incorrect section numbering and, although it is not a new section, the rule is missing from the Table of Contents. Lastly, the rule has grammatical errors including incorrect capitalization for defined terms throughout and use of

	<p>numbers for amounts of 10 or less. The Department proposes to clearly state that a corporate officer's separation is not considered a layoff, update the formatting to be consistent with other rules, add the rule to the Table of Contents, and correct the grammatical errors by capitalizing all defined terms and spelling out numbers of 10 or less.</p>
R6-3-50135.06	<p>This rule is not clear, concise, or understandable as written because it contains a reference to A.R.S. § 23-614 (G) that is inaccurate. The terms "temporary services employer" and "leasing employer" are not defined in statute, as the rule states. Additionally, there are minor grammatical errors such as improper use of articles. The Department proposes to remove the reference to statute and instead define the terms in question within rule. Additionally, the Department proposes to correct the improper articles.</p>
R6-3-50138	<p>This rule is not clear, concise, or understandable as written because, as a whole, it is redundant with some sections of R6-3-50135.04, which also relates to disciplinary action. The Department proposes to repeal this rule and move the relevant sections, specifically what constitutes good cause in terms of disciplinary action, to R6-3-50135.04.</p>
R6-3-50150	<p>This rule is not clear, concise, or understandable as written because it has grammatical errors including incorrect capitalization for defined terms throughout, use of numbers for amounts of 10 or less, use of fractions rather than decimals, and incorrect tense. The Department proposes to correct these errors by capitalizing all defined terms, spelling out numbers of 10 or less, converting fractions to decimals, and correcting tense where appropriate.</p>
R6-3-50155	<p>This rule is not clear, concise, or understandable as written because it has grammatical errors, uses improper formatting for citing other rules and statute, uses improper section formatting, includes misplaced definitions, and does not include the Department's rules for adjudicating a leave on the basis of a personal matter, such as divorce proceedings.</p> <p>The Department proposes to correct the grammatical errors by capitalizing all defined terms, spelling out numbers of 10 or less, correcting the articles of grammar, removing the outdated wording, and correcting tense where appropriate. Additionally, the Department proposes to correct formatting for both citing other rules and dividing sections. The Department proposes to move the misplaced definitions to the definitions section for the entire article (R6-3-5005) and to correct the reference to statute so that it is clear the statute does not define terms. Lastly, the Department proposes that this rule should receive the information from R6-3-50360, relating to separation due to personal matters.</p>
R6-3-50190	<p>This rule is not clear, concise, or understandable as written because it contains a definition for "evidence" that is not compliant with USDOL guidance contained in Employment and Training Handbook No. 301. The rule contains formatting errors, such as incorrect references to other sections of rule, and also contains redundant statements about burden of proof and detailed process descriptions that are not suitable for administrative rule. Lastly, the rule contains grammatical errors such as incorrect capitalization and verb tenses.</p> <p>The Department proposes to remove the definition for "evidence" and replace it with a reference to the federal guidance, correct the formatting errors by removing the unnecessary references to other sections of rule, and correct the grammatical errors by capitalizing all defined terms and ensuring that proper</p>

	verb tense is used throughout. Lastly, the Department proposes to remove the redundant statements and those inappropriate for administrative rule and instead incorporate them into Department policy where appropriate.
R6-3-50210	This rule is not clear, concise, or understandable as written because it is composed of extensive procedural information that is inappropriate for administrative rule. The Department proposes to repeal the rule and incorporate appropriate sections into Department policy and procedures.
R6-3-50235	This rule is not clear, concise, or understandable as written because it uses outdated language: specifically, the use of the terms “handicap” and “physical condition,” in various forms, as well as gendered language. Additionally, the rule has grammatical errors such as incorrect capitalization of defined terms and the use of “worker” rather than “claimant.” The rule contains examples that are inappropriate for the Administrative Code but would be appropriate for Department policy. Lastly, some references to other rules are improperly formatted. The Department proposes that all forms of the word “handicap” be replaced with the corresponding form of the word “Disability,” and reference to “physical condition” be changed to the corresponding form of the term “health condition.” The Department proposes to amend all gender-specific language to be gender-neutral, and to properly format rule citations. Lastly, the Department proposes to address grammatical errors by capitalizing all defined terms and changing “worker” to “claimant” where appropriate.
R6-3-50315	This rule is not clear, concise, or understandable as written because it has minor grammatical errors such as incorrect tense and capitalization of defined terms, as well as outdated wording such as gender-specific references. Additionally, this rule contains formatting inconsistencies from other rules (section numbering is not uniform). The Department proposes to update the section numbering to conform to other rules and to correct the grammatical errors and outdated wording by capitalizing all defined terms and removing gender-specific references.
R6-3-50345	This rule is not clear, concise, or understandable as written because it uses incorrect capitalization for defined terms throughout and uses improper formatting for citing other rules. The Department proposes to capitalize all defined terms and correct the formatting for citing other rules.
R6-3-50360	This rule is not clear, concise, or understandable as written because it provides a description of compelling personal reasons for leaving in relation to personal affairs that is not independent or substantial enough to require its own section. The Department proposes to repeal the section and move the contents to R6-3-51055.
R6-3-50365	This rule is not clear, concise, or understandable as written because it contains improper citations to other rules; minor grammatical errors throughout; the subsection relates to voluntary leaving due to an objection to the current work, rather than the prospect of other work; and extraneous and vague information about an “unreasonable time-lapse” between the former job and the prospective job that is inappropriate for rule. The Department proposes to correct the formatting of the citations for other rules, correct the grammatical errors by capitalizing all defined terms and converting gender-specific language to be gender-neutral, remove the subsection relating to objection to current work (already addressed in R6-3-53515), and remove the subsection relating the

	<p>“unreasonable time-lapse,” instead incorporating this information into Department policy, where appropriate.</p>
R6-3-50450	<p>This rule is not clear, concise, or understandable as written because it contains grammatical errors throughout; detailed information regarding what constitutes a reasonable objection to work hours or work days that is too lengthy and specific for the rule; and improper citations for other rules. The Department proposes to correct the grammatical errors by capitalizing all defined terms, addressing areas of incorrect syntax, converting all verbs to the proper tense, removing gender-specific language and replacing it with gender-neutral language, and converting all areas with passive voice to active voice, making it clear which party is expected to perform certain actions. Additionally, the Department proposes to remove the extraneous descriptions of reasonable objection examples from sections (B) and (C), instead incorporating that information into Department policy. Finally, the Department proposes to correct citations for other rules, amending them to the proper format.</p>
R6-3-50475	<p>This rule is not clear, concise, or understandable as written because it contains a lengthy citation from the Constitution of Arizona relating to refusal to join or retain membership in a union. The citation is both unnecessary and outdated, as a specific statute (A.R.S. § 23-1302) has been adopted to establish Arizona as a “right to work” state. Additionally, the rule uses outdated language and contains unnecessary references to other rules. The Department proposes to remove the constitutional citation and references to other rules and to update the outdated language.</p>
R6-3-50500	<p>This rule is not clear, concise, or understandable as written because it contains unnecessary elaboration about what may cause a worker to be dissatisfied with wages and contains extraneous descriptions about what parts of a pay agreement might be defective or what situations might constitute good cause to leave in association with a wage disagreement. This level of detail is inappropriate for administrative rules. Additionally, the rule uses “claimant” when referring to individuals who may not have claimed benefits, and it contains grammatical errors such as improper capitalization and outdated (gender-specific) language. The Department proposes to remove all unnecessary descriptions and examples from the rule and incorporate them into Department policy where appropriate. The Department also proposes to convert “claimant” to “worker” when referring to an individual who has made no claim for benefits. Lastly, the Department proposes to capitalize all defined terms and replace gender-specific with gender-neutral language.</p>
R6-3-50515	<p>This rule is not clear, concise, or understandable as written because it contains unnecessary elaboration about the conditions of work that may or may not substantiate good cause for leaving, which are not appropriate to include in the rule. Additionally, the rule includes subsection numbers that do not align with the standard format. Lastly, the rule contains minor grammatical errors, such as improper capitalization for defined terms and improper verb tenses. The Department proposes to remove the details regarding conditions of work and good cause for leaving, and instead incorporate these into Department policy where appropriate. The Department also proposes to align subsection headers with standard format and correct the grammatical errors by capitalizing all defined terms and updating verb tense where necessary.</p>

R6-3-5105	<p>This rule is not clear, concise, or understandable as written because it has formatting errors. Additionally, it has grammatical errors including incorrect capitalization, abbreviation, and articles of grammar. It also includes detailed process descriptions for the considerations the Department must undergo during adjudication, examples of compelling personal reasons that are arbitrary and non-exhaustive, as well as an unnecessarily lengthy description of what the Department would “normally” do, and how this rule deviates, instead of simply presenting the acceptable deviation. All of these are inappropriate for administrative rule. The Department proposes to correct the formatting errors by removing the extraneous information from the section header. The Department also proposes to capitalize all defined terms, abbreviate terms where appropriate, and ensure correct usage of articles of grammar. Lastly, the Department proposes to remove the aforementioned sections that are not appropriate for rule and introduce them into Department policy where appropriate.</p>
R6-3-5115	<p>This rule is not clear, concise, or understandable as written because it has formatting errors, including extraneous descriptions and subsection references in the section headers. This rule also contains grammatical errors including incorrect capitalization and verb tense. The rule includes detailed examples of absences and exceptions to the rule that are situational, arbitrary, and non-exhaustive, which are inappropriate for administrative rule. The rule uses the term “claimant” to refer to individuals who may not have claimed benefits and uses outdated (gender-specific) language. The Department proposes to correct the formatting errors by removing the extraneous information from the section headers and to correct the grammatical errors by capitalizing all defined terms and section headers, where appropriate. Additionally, the Department proposes to ensure proper verb tenses.</p>
R6-3-5145	<p>This rule is not clear, concise, or understandable as written because it has formatting errors, including extraneous descriptions and subsection references in the section headers. This rule also contains grammatical errors including incorrect capitalization, spelling errors, and verb tense issues. The rule uses the term “claimant” to refer to individuals who may not have claimed benefits and uses outdated (gender-specific) language. Additionally, the rule contains many arbitrary and non-exhaustive examples of attitude toward an employer and theoretical explanations for the rule that are not appropriate for the administrative code. The Department proposes to correct the formatting errors by removing the extraneous information from the section headers and to correct the grammatical errors by capitalizing all defined terms, fix the spelling errors, and ensure correct verb tenses. Additionally, the Department proposes to convert the word “claimant” to “worker” where necessary and convert all gender-specific language to be gender-neutral. Lastly, the Department proposes to remove the arbitrary and non-exhaustive examples of attitude toward an employer and theoretical explanations for the rule and instead incorporate these into Department policy where appropriate.</p>
R6-3-5185	<p>This rule is not clear, concise, or understandable as written because it is its own section but relates to every type of misconduct. This rule also has formatting errors, including extraneous descriptions and subsection references in the section headers and grammatical errors including incorrect capitalization and spelling errors. Lastly, this rule unnecessarily includes a list of other rules to</p>

	reference. The Department proposes to repeal this rule and move the contents to the General Misconduct section (R6-3-5105). The Department also proposes to remove the extraneous descriptions and subsection references, capitalize all defined terms and correct the spelling errors. Finally, the Department proposes to remove the list of other rules.
R6-3-51140	This rule is not clear, concise, or understandable as written because it uses improper formatting for citing other sections of the rule and includes unnecessary citations for other sections. Additionally, this rule contains many arbitrary and non-exhaustive examples of insubordination that are not appropriate for administrative rule. The Department proposes to remove the unnecessary citations for other sections of the rule and remove the arbitrary examples from this rule, incorporating them in Department policy where appropriate.
R6-3-51190	This rule is not clear, concise, or understandable as written because it conflicts with USDOL guidance provided in Employment and Training Handbook No. 301, which defines evidence acceptable for UI eligibility and offers guidelines for making a “reasonable attempt” to obtain evidence necessary to determine a claimant’s eligibility. As written, this rule provides a general definition for “evidence” that is not compliant with the federal definition applicable to UI. Additionally, this definition is repeated two other times in different articles. The rule also includes unnecessary citations for other sections and detailed procedural information regarding determining the burden of proof and weighing evidence that is not appropriate for administrative rule. The Department proposes to remove the definition for “evidence” and replace it with a reference to the federal guidance, as well as to ensure that this reference is not multiplicative by adding that this reference is specifically related to misconduct. The Department also proposes to remove all unnecessary section and subsection citations and to transfer the procedural information to Department policy, where appropriate.
R6-3-51235	This rule is not clear, concise, or understandable as written because it is worded in a manner that makes it difficult to understand what party will decide whether the discharge is attributable to the employer. Additionally, there are extraneous descriptions and subsection references in the section headers. The Department proposes rewording the section to make it clear that the Department is responsible for determining whether the discharge is attributable to the employer and to remove the extraneous descriptions and subsection references from the header.
R6-3-51255	This rule is not clear, concise, or understandable as written because it uses improper formatting for citing other sections of the rule and includes unnecessary citations for other sections. Additionally, this rule contains many arbitrary and non-exhaustive examples of insubordination that are not appropriate for administrative rule. The Department proposes to remove the unnecessary citations for other sections of rule and remove the arbitrary examples from this rule, incorporating them in Department policy where appropriate



R6-3-51270	This rule is not clear, concise, or understandable as written because it uses the term “claimant” to refer to an individual who may or may not have actually applied for benefits. The rule uses improper formatting for citing other sections of the rule and includes unnecessary citations for other sections. Lastly, the rule includes a wordy explanation of when off-duty intoxication may be considered disqualifying, which is in part unnecessary and in part could be worded in a more concise manner. The Department proposes to change all incorrect references of “claimant” to “worker,” remove the unnecessary citations for other sections of the rule and reword the subsection relating to off-duty intoxication, retaining the necessary wording only.
R6-3-51300	This rule is not clear, concise, or understandable as written because it uses improper formatting for citing other sections of the rule and includes unnecessary citations for other sections. The rule also lists out arbitrary, non-exhaustive items for the Department to consider, such as specific examples and situational descriptions which are not appropriate for administrative rule. Lastly, this rule contains misplaced definitions for “ordinary care” and “accident.” The Department proposes to remove the unnecessary citations for other sections of the rule and remove the arbitrary examples and descriptions from this rule, incorporating them in Department policy if appropriate. Lastly, the Department proposes to move the misplaced definitions to the definitions section for this article, R6-3-5101.
R6-3-51310	This rule is not clear, concise, or understandable as written because it uses improper formatting for citing other sections of the rule and includes unnecessary citations for other sections. This rule also lists out arbitrary, non-exhaustive items for the Department to consider, which are not appropriate for administrative rule. The Department proposes to remove the unnecessary citations for other sections of rule and remove the arbitrary items for consideration to Department policy, introducing them as non-exhaustive examples wherever appropriate.
R6-3-51345	This rule is not clear, concise, or understandable as written because it contains grammatical errors including improper capitalization and formatting errors including a rule citation that is out of compliance with the standard. The Department proposes to capitalize all defined terms and reformat the rule citation to come into compliance with the standard.
R6-3-51385	This rule is not clear, concise, or understandable as written because it relates exclusively to misconduct, which is a general reason for discharge. As there is already a “general” section of rule for this article, the Department proposes to repeal R6-3-51385 and move its contents to the general section, R6-3-5105.
R6-3-51390	This rule is not clear, concise, or understandable as written because it uses improper formatting for citing other sections of the rule and includes unnecessary citations for other sections. This rule also uses outdated, gender-specific language and improper verb tense or passive voice. Additionally, the rule contains an arbitrary example of profane language, which is not appropriate for administrative rule. The Department proposes to remove the unnecessary citations for other sections of rule and to amend all gender-specific language to be gender-neutral, as well as convert all instances of passive voice to active voice and ensure proper verb tense throughout. Lastly, the Department proposes to remove the arbitrary example and incorporate it into Department

	policy as appropriate.
R6-3-51435	This rule is not clear, concise, or understandable as written because it relates to tardiness, which is not independent of absence, and absence has its own section. Additionally, the rule contains multiple examples of tardiness, which is not appropriate for administrative rule. The Department proposes to repeal this rule and move relevant sections, without the examples, to R6-3-5115, the rule relating to absence. Relevant examples may be considered for inclusion in Department policy if applicable.
R6-3-51475	This rule is not clear, concise, or understandable as written because it contains grammatical errors including improper capitalization and verb tense. It also uses outdated, gender-specific language and cites lengthy sections of the Constitution of Arizona unnecessarily. The Department proposes to correct the grammatical errors by capitalizing all defined terms and ensuring proper verb tense is used throughout. Additionally, the Department proposes to convert all gender-specific language to be gender-neutral. Lastly, the Department proposes to remove the constitutional citations and summarize the portions relevant to this rule.
R6-3-51485	This rule is not clear, concise, or understandable as written because it uses improper formatting and contains grammatical errors, including improper capitalization and verb tense when referring to other sections of rule and when citing federal law; explains in detail the theoretical basis for the rule; gives unnecessary examples and explanations that are inappropriate for administrative rules; contains a misplaced definition; and contains procedural information in relation to adjudicating safety violations, which is not appropriate for administrative rules. The Department proposes to correct the formatting for or remove unnecessary citations of other sections of rule and federal law and correct the grammatical errors by capitalizing all defined terms and ensuring proper verb tense throughout; remove the detailed theoretical explanation for the rule; remove all unnecessary examples and explanations that are inappropriate for administrative rules and instead incorporate these into Department policy; relocate the definition to R6-3-5101; and remove the procedural information in relation to adjudicating safety violations and incorporate it into Department policy where appropriate.
R6-3-51490	This rule is not clear, concise, or understandable as written because it has grammatical errors including incorrect capitalization for defined terms throughout. Additionally, the sections are improperly formatted, using numbers where letters should be used. The Department proposes to correct these errors by capitalizing all defined terms and correct the section numbering to align with the standard.
R6-3-5205	This rule is not clear, concise, or understandable as written because it has grammatical errors including incorrect capitalization for defined terms throughout, and use of numbers for amounts of 10 or less.  The Department proposes to correct the grammatical errors by capitalizing all defined terms and spelling out numbers of 10 or less.

R6-3-5240	<p>This rule is not clear, concise, or understandable as written because it has grammatical errors including incorrect capitalization for defined terms throughout, missed abbreviations, issues with verb tense, and use of numbers for amounts of 10 or less. Additionally, this rule is improperly formatted, with incorrect section numbering, and contains a misplaced definition for “full-time student.” The Department proposes to move the definition of “full-time student” to the definitions section for this article (R6-3-5201). Also, the Department proposes to correct the improper formatting and grammatical errors by capitalizing all defined terms, confirming proper verb tense, abbreviating where appropriate, and spelling out numbers of 10 or less. The Department also proposes to correct the section formatting to align with the standard.</p>
R6-3-5245	<p>This rule is not clear, concise, or understandable because it is entitled “Disloyalty” but the body of the rule contains information regarding a worker’s availability for work in reference to the ability to obtain and maintain a required Security Clearance. The rule also contains outdated (gender-specific) language and an unnecessary citation of another section of the rule.</p> <p>The Department proposes to correct the title of the section by changing “Disloyalty” to “Security Clearance,” remove the reference to another section of the rule, and change all gender-specific language to gender-neutral.</p>
R6-3-5270	<p>This rule is not clear, concise, or understandable as written because of the improper capitalization of and unnecessary subsection citations in the section heading. Additionally, this rule has minor grammatical issues including the general use of “individual” when referring to specific categories of individuals, and the specificity is material to the rule. The rule also uses gender-specific terms such as “he” and “his.” The Department proposes to capitalize words in the section heading as appropriate and remove subsection citations from the section heading. The Department also proposes to remove “individual” and replace it with “worker,” and to convert the gender-specific language to gender-neutral.</p>
R6-3-5290	<p>This rule is not clear, concise, or understandable as written because it uses “claimant” to refer to a person who may not have claimed benefits, uses gender-specific terms such as “he” and “his,” contains improper capitalization of the section heading, and contains unnecessary subsection citations in the heading. The Department proposes to change the word “claimant” to “worker” where applicable, convert the gender-specific language to gender-neutral, capitalize words in the section heading as appropriate, and remove subsection citations from the section heading.</p>
R6-3-52105	<p>This rule is not clear, concise, or understandable as written because of the improper capitalization of defined terms and section headings. Additionally, this rule has minor grammatical issues including the general use of “individual” when referring to specific categories of individuals, and the specificity is material to the rule. This rule also uses “claimant” to refer to a person who may not have claimed benefits and uses gender-specific terms such as “he” and “his”. Lastly, the rule contains arbitrary examples for interpreting the contract to determine if a claimant is unavailable, which are inappropriate for administrative rule. The Department proposes addressing the minor grammatical errors by capitalizing all defined terms and section headings as appropriate, removing “individual” and replacing it with “worker” and replacing “claimant” with “worker.” Also, the Department proposes to convert all gender-specific language to gender-neutral</p>

	and to remove examples for interpreting the contract to determine if a claimant is unavailable, instead incorporating this information into Department policy, where appropriate.
R6-3-52150	This rule is not clear, concise, or understandable as written because it contains various examples of commuting distance that are not appropriate to include in the rule. Additionally, there are some grammatical errors such as incorrect tenses and capitalization of defined terms. The standards for ability and availability to work based on transportation and travel are vague, leaving much open to interpretation. The Department proposes that the examples of commuting distance be removed and incorporated into Department policy. The Department proposes to correct grammatical errors by updating the tense where incorrect and capitalizing all defined terms. The Department proposes that the standard for ability and availability to work, in terms of travel and transportation, state that a claimant who does not have access to public transportation must arrange personal transportation to be considered able and available to work.
R6-3-52155	This rule is not clear, concise, or understandable as written because it contains detailed explanations of and examples for domestic circumstances, which are not appropriate to include in administrative rules. The Department proposes to remove these and instead incorporate them into Departmental policy.
R6-3-52160	This rule is not clear, concise, or understandable as written because it contains misspelled words, incorrect capitalization, missing abbreviations, and outdated (gender-specific and archaic) language. This rule also contains unnecessary subsection citations in the headings. The rule does not specify that a work search is required as part of a course of action reasonably designed to result in prompt reemployment. The rule contains union-specific information irrelevant in Arizona, which is a “right to work” state, and it allows for exceptions to the work search requirement that conflict with A.R.S. § 23-771. The rule also does not account for modern methods of searching for work, including electronically. Lastly, this rule contains sections that are inappropriate for administrative rule because they provide arbitrary examples or recommend procedures to be followed. The Department proposes to correct the misspellings, capitalize all defined terms and section headings where appropriate, abbreviate wherever appropriate, convert all gender-specific language to gender-neutral and modernize the word choices throughout. The Department proposes to remove section citations from the headings and to remove both the union-specific language and language that is not aligned with statute regarding exceptions to the requirement to search for work. The Department proposes to add the ability for claimants to search for work using electronic sources, including social networks and/or electronic publications, and to add that a work search is required as part of a course of action reasonably designed to result in prompt reemployment. Lastly, the Department proposes to move the arbitrary examples and recommend procedures to Department policy, as appropriate.
R6-3-52165	This rule is not clear, concise, or understandable as written because it contains arbitrary and situation-specific examples that are inappropriate for administrative rules. This rule also contains unnecessary subsection citations in the heading and lacks necessary capitalization. The Department proposes to add a general statement covering unreasonable discrimination on the part of an employer, in terms of non-work-related requirements, and to move the examples that are inappropriate for the rule to Department policy where applicable. The

	Department also proposes to remove unnecessary subsection citations and add necessary capitalization in the heading.
R6-3-52190	This rule is not clear, concise, or understandable as written because it conflicts with USDOL guidance provided in Employment and Training Handbook No. 301, which defines evidence acceptable for UI eligibility and offers guidelines for making a “reasonable attempt” to obtain evidence necessary to determine a claimant’s eligibility. As written, this rule provides a general definition for “evidence” that is not compliant with the federal definition applicable to UI. Additionally, this definition is repeated two other times in different articles. The rule also lacks capitalization of defined terms and contains arbitrary and situation-specific examples that are inappropriate for administrative rule. Additionally, the rule uses the term “physical disability” when referring to both physical and mental disabilities. Lastly, the rule contains unnecessary subsection citations in the heading. The Department proposes to remove the definition for “evidence” and replace it with a reference to the federal guidance, as well as to ensure that this reference is not multiplicative by adding that this reference is specifically related to the ability to and availability for work. The Department also proposes to capitalize all defined terms and to add “mental disability” where appropriate. Additionally, the Department proposes to move the examples that are inappropriate for the rule to Department policy where applicable. The Department also proposes to remove unnecessary subsection citations in the heading.
R6-3-52235	This rule is not clear, concise, or understandable as written because of the need for capitalization of defined terms and section formatting issues. The Department proposes to correct the capitalization of the defined terms where applicable and correct the section formatting to align with the standard.
R6-3-52250	This rule is not clear, concise, or understandable as written because it contains grammatical errors such as improper tense, improper capitalization of defined terms, and colloquial language. Additionally, the rule contains a section that is inappropriate for administrative code. This rule also uses the word “individual” or “person” when specifically referring to a claimant and includes definitions within the body of the rule. Lastly, the rule contains unnecessary subsection citations in the heading. The Department proposes to correct the grammatical errors including the capitalization of defined terms and heading and to remove the section that is inappropriate for the rule to Department policy as well as to remove the colloquial language. The Department proposes as well to move the definitions to the definitions section of this article and to replace “individual” and “person” with “claimant.” The Department also proposes to remove unnecessary subsection citations in the heading.
R6-3-52285	This rule is not clear, concise, or understandable as written because it contains minor grammatical errors such as “must,” uses outdated (gender-specific) language, and lacks capitalization of defined terms. The rule contains instructions for issuing determinations that are procedural and not appropriate for administrative rule. Lastly, this rule contains unnecessary subsection citations in the heading. The Department proposes to correct the grammatical errors including converting gender-specific language to gender-neutral, replacing “must” with “shall,” and capitalizing all defined terms. Also, the Department proposes to remove the sections inappropriate for rule and instead incorporate them into Departmental policy. The Department also proposes to

	remove unnecessary subsection citations in the heading.
R3-6-52295	This rule is not clear, concise, or understandable as written because it uses incorrect capitalization for a defined term and in the section headings. This rule is not compliant with A.R.S. § 23-776, which states that, during the first four weeks of a benefit period, a claimant will not be required to accept work at a level less than their highest skill. This rule currently states that this time period is not absolute. Lastly, this rule contains detailed explanations of examples for determining the availability of an individual to work, which are not appropriate to include in administrative rules. The Department proposes to capitalize all defined terms and the section heading. The Department proposes to remove the sections not in compliance with A.R.S. § 23-776 and to instead specify that during the first four weeks of a benefit period, a claimant will not be required to accept work at a level less than their highest skill. Also, the Department proposes to remove the sections inappropriate for rule and instead incorporate them into Departmental policy.
R6-3-52305	This rule is not clear, concise, or understandable as written because it does not capitalize a defined term and uses “must” instead of “shall.” The rule has section formatting issues and contains instructions for issuing determinations that are procedural and not appropriate for administrative rule. Lastly, the rule contains unnecessary subsection citations in the heading. The Department proposes to capitalize all defined terms, convert “must” to “shall” where necessary, and correct the section numbering to align with proper formatting. Also, the Department proposes to remove the unnecessary subsection citations and the sections inappropriate for rule and instead incorporate them into Departmental policy.
R6-3-52320	This rule is not clear, concise, or understandable as written because the section heading is improperly capitalized and the rule contains outdated wording, such as gender-specific references. Lastly, this rule contains unnecessary subsection citations in the heading. The Department proposes to properly capitalize the section heading and convert gender-specific references to be gender-neutral. Also, the Department proposes to remove the unnecessary subsection citations.
R6-3-52370	This rule is not clear, concise, or understandable as written because it contains incorrect capitalization throughout the rule, and it uses the general term “individual” in reference to a claimant. This rule also is vague regarding in what context a claimant must be a witness, claimant, or defendant. This rule also uses outdated (gender-specific) language, contains unnecessary statements regarding availability, and contains unnecessary subsection citations in the heading. Lastly, this rule contains detailed explanations of examples for determining the availability of an individual to work, which are not appropriate to include in administrative rules. The Department proposes to correct the capitalization errors, convert the gender-specific language to be gender-neutral, and replace “individual” with “claimant”. Also, the Department proposes to remove the unnecessary statements that are inappropriate for rule and instead incorporate them into Departmental policy where applicable.
R6-3-52375	This rule is not clear, concise, or understandable as written because it contains minor grammatical errors such as capitalization of defined terms, uses outdated (gender-specific) wording, and contains detailed explanations of reasons for determining the availability of an individual to work, which are not appropriate to

	include in administrative rules. Lastly, this rule contains unnecessary subsection citations in the heading. The Department proposes to capitalize all defined terms, convert the gender-specific language to be gender-neutral, and remove the sections inappropriate for rule and instead incorporate them into Departmental policy where applicable. Also, the Department proposes to remove the unnecessary subsection citations.
R6-3-52415	This rule is not clear, concise, or understandable as written because it contains incorrect capitalization throughout the rule, and it uses the general term “individual” in reference to a claimant. This rule also contains unnecessary subsection citations in the heading and section formatting errors throughout. Lastly, this rule contains detailed explanations of examples for determining the availability of an individual to work, which are not appropriate to include in administrative rules. The Department proposes to correct the capitalization errors, convert “individual” to “claimant” where applicable, remove the subsection citations, and correct the section formatting to align with the standard. Lastly, the Department proposes to remove the sections inappropriate for rule and instead incorporate them into Departmental policy.
R6-3-52450	This rule is not clear, concise, or understandable as written because it contains minor grammatical errors such as incorrect tense and capitalization of defined terms, outdated wording such as gender-specific references, and the terms “may be” and “must.” Additionally, this rule contains details of what to consider to make a determination that are not appropriate for administrative rule. The Department proposes to correct the grammatical errors and outdated wording by capitalizing all defined terms. removing gender-specific references and changing “may” and “must” to “shall.” The Department proposes to remove details of what to consider to make a determination and incorporate those details into Department policy.
R6-3-52475	This rule is not clear, concise, or understandable as written because it contains minor grammatical errors such as incorrect tense and capitalization of defined terms, outdated wording such as gender-specific references, “will” and “does.” The Department proposes to correct the grammatical errors and outdated wording by capitalizing all defined terms. removing gender-specific references and changing “will” and “does” to “shall.”
R6-3-52500	This rule is not clear, concise, or understandable as written because it contains minor grammatical errors such as incorrect tenses and capitalization of defined terms. Additionally, this rule contains details of what to consider when making a determination that is not appropriate for administrative rule. The Department proposes to correct the grammatical errors and outdated wording by capitalizing all defined terms. The Department proposes to remove the details of what to consider to make a determination and incorporate those details into Department policy.
R6-3-52510	This rule is not clear, concise, or understandable as written because it is exclusively comprised of information already stated in R6-3-52235. The Department proposes to repeal this rule.
R6-3-5305	This rule is not clear, concise, or understandable as written because it contains minor grammatical errors such as incorrect capitalization of defined terms, as well as spelling out numbers of 10 or less. Additionally, this rule contains formatting inconsistencies from other rules (section numbering is not uniform).

	The Department proposes to update the section numbering to conform to other rules and to correct the grammatical errors and outdated wording by capitalizing all defined terms and spelling out numbers of 10 or less.
R6-3-53150	This rule is not clear, concise, or understandable as written because it uses incorrect capitalization for defined terms throughout. The rule contains details of what to consider to make a determination that are not appropriate for inclusion in Administrative rules. Additionally, the rule is not compliant with A.R.S. § 23-776, which states that after the first four weeks of a benefit period, the Department shall consider any employment offer that pays one hundred twenty percent of the individual’s weekly benefit amount to be suitable work. The rule as written does not make it clear that the standard changes after four weeks. The Department proposes to amend the rule to align with A.R.S. § 23-776 (B)(2) and (C) to make it clear that the standard changes after four weeks, to capitalize all defined terms, and to remove examples not appropriate for the rule and incorporate them into Department policy.
R6-3-53170	This rule is not clear, concise, or understandable as written because it contains minor grammatical errors such as incorrect tense and capitalization of defined terms, including inappropriate use of “should”. Additionally, this rule contains outdated terms such as “call in card” which is no longer used by the Department, and the details of what to consider to make a determination which are not appropriate for administrative rule. The Department proposes to correct the grammatical errors and outdated wording by capitalizing all defined terms, removing “should” and replacing with “shall”, and removing references to the call-in card. The Department proposes to remove the details of what to consider to make a determination and incorporate those details into Department policy.
R6-3-53195	This rule is not clear, concise, or understandable as written because it contains minor grammatical errors such as incorrect tenses and capitalization of defined terms. The rule also uses outdated (gender-specific) terminology. Additionally, the rule is not compliant with A.R.S. § 23-776, which states that after the first four weeks of a benefit period, the Department shall consider any employment offer that pays one hundred twenty percent of the individual’s weekly benefit amount to be suitable work. The rule as written does not make it clear that the standard changes after four weeks. This rule also contains details of what to consider when making a determination that are not appropriate for inclusion in Administrative rules. The Department proposes to amend the rule to align with A.R.S. § 23-776 (B)(2) and (C) to make it clear that the standard changes after four weeks. The Department also proposes to correct the outdated wording by converting gender-specific language to gender-neutral. It proposes to capitalize all defined terms. The Department proposes to remove the details of what to consider when making a determination and incorporate those details into Department policy.
R6-3-53235	This rule is not clear, concise, or understandable as written because it contains minor grammatical errors such as incorrect tenses and capitalization of defined terms. Additionally, this rule is missing an evidence requirement for “Risk or Illness or injury.” The heading needs to include “mental” as part of “Health condition” and it contains unnecessary subsection citations. The Department proposes to capitalize all defined terms and add the evidence requirement and “mental” as a health condition in the heading. The Department also proposes to remove unnecessary subsections in the heading.



R6-3-53265	This rule is not clear, concise, or understandable as written because it contains minor grammatical errors such as incorrect tenses and capitalization of defined terms. This rule contains details of what should be considered when making a determination that is not appropriate for administrative rule. Lastly, the rule contains unnecessary subsection citations in the heading. The Department proposes to correct the grammatical errors by capitalizing all defined terms and ensuring proper tense is used, the details of what to consider to make a determination should be removed and incorporated into Department policy. The Department also proposes to remove unnecessary subsection citations in the heading.
R6-3-53295	This rule is not clear, concise, or understandable as written because it is not in compliance with A.R.S. § 23-776, which states that after the first four weeks of a benefit period, the Department shall consider any employment offer that pays one hundred twenty percent of the individual's weekly benefit amount to be suitable work. The Department proposes to repeal this rule because the Department provides alternative methods for determining suitability after the first four weeks of a benefit period.
R6-3-53330	This rule is not clear, concise, or understandable as written because it contains minor grammatical errors such as incorrect tense and capitalization of defined terms, as well as outdated wording such as gender-specific references and uses language such as "must." Lastly, this rule contains unnecessary subsection citations in the heading. The Department proposes to correct the grammatical errors and outdated wording by capitalizing all defined terms, removing gender-specific references and changing "must" to "shall." The Department also proposes to remove unnecessary subsection citations in the heading.
R6-3-53335	This rule is not clear, concise, or understandable as written because it contains minor grammatical errors such as incorrect tense and capitalization of defined terms, as well as outdated wording such as gender-specific references. Additionally, this rule is not in compliance with state law A.R.S. § 23-776. Lastly, the rule contains unnecessary subsection citations in the heading. The Department proposes to amend the rule to incorporate state law, A.R.S. § 23-776 (B)(2) and (C) to add the requirements outlined after the first four weeks of a benefit period the Department shall consider any employment offer that pays one hundred twenty percent of the individual's weekly benefit amount to be suitable work. The Department also proposes to correct the grammatical errors and outdated wording by capitalizing all defined terms and removing gender-specific references. The Department also proposes to remove unnecessary subsection citations in the heading.
R6-3-53365	This rule is not clear, concise, or understandable as written because it contains minor grammatical errors such as incorrect tenses and capitalization of defined terms. This rule also contains a generalization that is inappropriate for administrative rule, as well as unnecessary subsection citations in the heading. The Department proposes to correct the grammatical errors and outdated wording by capitalizing all defined terms. The Department also proposes to remove unnecessary subsection citations in the heading and to remove the generalization.
R6-3-53380	This rule is not clear, concise, or understandable as written because it contains minor grammatical errors such as incorrect tense and capitalization of defined terms, as well as outdated wording such as gender-specific references. Lastly,

	<p>this rule contains unnecessary subsection citations in the heading. The Department proposes to correct the grammatical errors and outdated wording by capitalizing all defined terms and removing gender-specific references. The Department also proposes to remove unnecessary subsection citations in the heading.</p>
R6-3-53450	<p>This rule is not clear, concise, or understandable as written because it contains minor grammatical errors, outdated language, and formatting issues. Additionally, this rule contains details of what to consider to make a determination that are not appropriate for administrative rule. Lastly, the rule contains unnecessary subsection citations in the heading. The Department proposes to correct the grammatical errors, outdated language, and remove gender-specific references. The Department proposes removing the details of what to consider to make a determination and incorporating those details into Department policy. The Department also proposes to remove unnecessary subsection citations in the heading.</p>
R6-3-53475	<p>This rule is not clear, concise, or understandable as written because it contains minor grammatical errors such as incorrect tense and capitalization of defined terms, as well as outdated wording such as gender-specific references and incomplete language for A.R.S. § 23-776 (B). The Department proposes to correct the grammatical errors and outdated wording by capitalizing all defined terms and removing gender-specific references and incomplete language for A.R.S. § 23-766 (B), as complete language is available in the state law.</p>
R6-3-53480	<p>This rule is not clear, concise, or understandable as written because it only reiterates state law A.R.S. § 23-776(C) (1). The Department proposes to repeal this rule as it does not provide additional information from statute and is therefore not necessary.</p>
R6-3-53500	<p>This rule is not clear, concise, or understandable as written because it contains minor grammatical errors such as incorrect tense and capitalization of defined terms such as gender-specific references and outdated wording such as “need” and unnecessary keywords and phrases. Additionally, this rule is not in compliance with A.R.S. § 23-776. The Department proposes to amend the rule to incorporate A.R.S. § 23-776 (B)(2) and (C) to add the requirements outlined after the first four weeks of a benefit period the Department shall consider any employment offer that pays one hundred twenty percent of the individual’s weekly benefit amount to be suitable work. The Department also proposes to correct the grammatical errors and outdated wording by capitalizing all defined terms, removing gender-specific references and changing “need” to “shall”.</p>
R6-3-53510	<p>This rule is not clear, concise, or understandable as written because it contains minor grammatical errors such as incorrect tenses and capitalization of defined terms. Additionally, this rule is not in compliance with A.R.S. § 23-776. The Department proposes to amend the rule to incorporate state law, A.R.S. § 23-776 (B)(2) and (C) to add the requirements outlined after the first four weeks of a benefit period the Department shall consider any employment offer that pays one hundred twenty percent of the individual’s weekly benefit amount to be suitable work. The Department also proposes to correct the grammatical errors and outdated wording by capitalizing all defined terms.</p>
R6-3-53515	<p>This rule is not clear, concise, or understandable as written because it contains minor grammatical errors such as incorrect tense and capitalization of defined</p>

	<p>terms, gender-specific references, and outdated terms such as “must” and “which should”. Additionally, this rule contains details of what to consider when making a determination that belongs in policy. This rule also contains unnecessary subsection citations in the heading. The Department proposes to correct the grammatical errors and outdated wording by capitalizing all defined terms, changing “must” to “shall” and “which should” to “that shall” and removing the details of what to consider to make a determination and incorporating those details into Department policy. The Department also proposes to remove unnecessary subsection citations in the heading.</p>
R6-3-5460	<p>This rule is not clear, concise, or understandable because it has grammatical errors including incorrect capitalization for defined terms throughout, and has outdated wording such as gender-specific references. This rule also contains unnecessary subsection citations in the heading. The Department proposes to correct the grammatical errors by capitalizing defined terms and address the gender specific references by replacing “he’ and ‘his” with “the Claimant.” The Department also proposes to remove unnecessary subsection citations in the heading.</p>
R6-3-5475	<p>This rule is not clear, concise, or understandable because it has grammatical errors including incorrect capitalization for defined terms throughout, includes misplaced definitions such as “Department” and “Personal Identification Number (PIN)”, uses improper formatting for citing other rules, and does not specify whether “days’ refers to calendar days or business days. This rule also neglects to mention the Department’s responsibility to provide individuals with information about how to file a claim. The Department proposes to correct the grammatical errors by capitalizing defined terms, move the misplaced definitions to R6-3-1301, correct the formatting for citing other rules, and replace “days” with “Calendar days,” and add information regarding the Department’s responsibility to provide information about how to file a claim.</p>
R6-3-5495	<p>This rule is not clear, concise, or understandable because it has grammatical errors including incorrect capitalization for defined terms throughout, outdated sentence structure, and includes a misplaced definition (“last employment”). This rule also contains section formatting not compliant with the standard The Department proposes to correct the grammatical errors by capitalizing defined terms, update sentence structure, relocate the misplaced definition to this article's definitions section and remove “Definition of Last Employment” from the title. The Department also proposes to correct the section formatting to comply with other sections.</p>
R6-3-54100	<p>This rule is not clear, concise, or understandable because it has grammatical errors including incorrect capitalization for defined terms throughout, outdated sentence structure, and uses improper formatting for citing other rules. This rule also contains misplaced definitions and section formatting not compliant with the standard, as well as incorrect A.R.S. citations. The Department proposes to correct the grammatical errors by capitalizing defined terms, updating sentence structure, and correcting the formatting for other rules. The Department also proposes to move the misplaced definitions to the definitions section for this article. The Department also proposes to correct the section formatting to comply with other sections and to update the A.R.S. citations that are inaccurate.</p>
R6-3-54340	<p>This rule is not clear, concise, or understandable because it is entitled “Overpayments (Miscellaneous)” but the title is misleading because the body of</p>

	the rule contains information regarding administrative penalties. This rule contains a lengthy quotation from statute and uses improper section formatting. This rule contains multiple misplaced definitions. Also, this rule grammatical errors including incorrect capitalization for defined terms throughout. The Department proposes to correct the title of R6-3-54340 with the title of “Administrative Penalty” and capitalize all defined terms. The Department also proposes to remove the quotation and replace it with a reference to the applicable statute, and to correct the section formatting to align with the standard. Lastly, the Department proposes to remove the definitions from the rule and relocate them to the definitions section for this article.
R6-3-55415	This rule is not clear, concise, or understandable because it pertains to availability and ability to work which is covered in Article 52 and this rule is currently part of Article 55, relating to total and partial unemployment. The Department proposes to repeal this rule and move the rule content to R6-3-52415 as section C.
R6-3-55460	This rule is not clear, concise, or understandable because it has grammatical errors such as improper capitalization and abbreviation. This rule also uses improper formatting for citing other rules, the A.R.S., and the federal rule for unpaid overtime or minimum wages. The Department proposes to correct the grammatical errors by capitalizing defined terms and abbreviating where appropriate, correcting the formatting for other rules and the A.R.S. that are cited, and add the Code of Federal Regulations (29 CFR 548) to the rule.
R6-3-5601	This rule is not clear, concise, or understandable because it has outdated terminology and definitions, and it has grammatical errors including incorrect capitalization for defined terms throughout. This rule also uses improper sentence structure. The Department proposes to update the terminology, correct the grammatical errors and sentence structure, and include introductory sentences for the section including the location of definitions and the section containing the definitions themselves.
R6-3-5602	This rule is not clear, concise, or understandable because it has grammatical errors including incorrect capitalization for defined terms throughout. The Department proposes to correct the grammar errors by capitalizing defined terms and removing capitalization for undefined terms in the section headings
R6-3-5603	This rule is not clear because it has grammatical errors. The Department proposes to change “the” to “a” where applicable.
R6-3-5604	This rule is not clear, concise, or understandable because it has grammatical errors, use of numbers for amounts of 10 or less, uses improper formatting for citing other rules, and includes a misplaced definition for “good faith”. The Department proposes to correct the grammatical errors by spelling out numbers of 10 or less, correct the formatting for other rules that are cited, and move the misplaced definition to the definitions section for this article, section R6-3-5601.

**Has the agency received written criticisms of the rules within the last five years?**

Yes  No

*If yes, please fill out the table below:*

<b>Commenter</b>	<b>Comment</b>	<b>Agency’s Response</b>
N/A	N/A	N/A

**7. Economic, small business, and consumer impact comparison:**

Many of the rules in Chapter 3 were adopted without accompanying Economic Impact Statements. The Department prepared the following information to assist in an economic analysis of the current impact of these rules on Arizona.

The Unemployment Insurance Program had 151,070 employers as of September 2021, with the number fluctuating regularly as businesses open and close. Below is a summary of claims load and benefit payment activity for the past three years:

Fiscal Year	Number of Individuals Receiving at Least One Week of Regular UI	Amount of Regular UI Benefits Paid
October 1, 2020 - September 30, 2021	288,176	\$594,041,228
October 1, 2019 - September 30, 2020	416,029	\$1,236,925,024
October 1, 2018 - September 30, 2019	75,730	\$203,219,246

The data indicates that the unemployment rate in Arizona significantly increased due to the economic turmoil caused by the COVID-19 pandemic beginning in March 2020.

**ARTICLE 13. DEFINITIONS**

Article 13 consists of definitions for the terms used in various rules contained in Chapter 3 as well as related statutes. The Article was last amended in 1995, at which time the Department projected there would be no significant impact on either employers or workers, primarily due to the fact that the Article is limited to a glossary of definitions. To date, the Department has not received complaints that compliance has been costly or burdensome, leading to the conclusion that the Department's 1995 assessment appears to have been correct.

**ARTICLE 14. ADMINISTRATION AND ENFORCEMENT, ARTICLE 15. DECISIONS, HEARINGS, AND ORDERS**

Article 14 contains rules for administering the UI program. The Department's original projection at the time of adoption and subsequent amendment of the rules contained in Articles 14 and 15 was that they would not result in a significant tax increase for employers, nor would they reduce workers' opportunity to file for and receive unemployment insurance benefits. The Department has not received complaints that compliance has been costly or burdensome, leading to the conclusion that the original projection was correct.

## **ARTICLE 16. FUNDS**

This rule provides guidelines for issuing warrants from the unemployment insurance clearinghouse account; therefore, it has no economic impact on the taxing of employers or the paying of benefits to workers.

## **ARTICLE 17. CONTRIBUTIONS**

The rules in Article 17 implement the state and federal mandates related to the payment of unemployment insurance taxes. Six of these rules were amended in 1995 and 1997, at which time the Department assessed economic impact and concluded that the Department's implementation of state and federal law would not result in any significant increase in taxes or administrative burden for employers. The Department has not received complaints that compliance has been costly or burdensome, leading to the conclusion that the original projection was correct.

## **ARTICLE 18. BENEFITS**

For the five rules adopted in 1995 and 1997, the Department projected that the rules would not result in any substantial economic impact on workers or employers. In fact, R6-3-1810, R6-3-1811, and R6-3-1812 merely assist with the interpretation of federal and state statutes. The Department has not received complaints that compliance has been costly or burdensome, leading to the conclusion that the original projection was correct.

## **ARTICLE 50. VOLUNTARY LEAVING BENEFIT POLICY**

Five of the rules in this article were amended in 1995 and 1997, and R6-3-50155 was amended in 2006. At the time of each amendment, the Department conducted an economic impact assessment and concluded these rules would not result in any significant increase in financial burden for employers or withholding of benefits for claimants. The Department has not received complaints that compliance has been costly or burdensome, leading to the conclusion that the original projection was correct.

The remaining rules in Article 50 were adopted with no specific economic impact assessment; however, the Department believes that the insignificant economic impact related to the five rules discussed above can be considered representative of the entire article. Moreover, there is little room for flexibility as these rules relate to the assessment of a disqualification from the receipt of unemployment insurance benefits when an individual has voluntarily left employment without good cause, which is mandated by federal and state

statutes. The rules in this article merely implement this requirement.

#### **ARTICLE 51. DISCHARGE BENEFIT POLICY**

At the time of rulemaking, an assessment of the economic impact of the rules in Article 51 projected no significant costs to any person or group. Additionally, when six of these rules were amended in 1995, 1997, 2001, 2006, and 2018 the Department completed economic impact statements that confirmed the projected minimal economic impact. The Department has not received complaints that compliance has been costly or burdensome, leading to the conclusion that the original projection was correct. The assessment of a disqualification from the receipt of unemployment insurance benefits when an individual has been discharged for willful or negligent misconduct is mandated by federal and state statutes. The rules in this article merely implement this requirement.

#### **ARTICLE 52. ABLE AND AVAILABLE BENEFIT POLICY**

With the exception of R6-3-5240, which was amended in 1997, and R6-3-5205, R6-3-5240, and R6-3-52235, which were amended in 2018, the rules in Article 52 have not been changed since they were adopted in 1977 with no economic impact assessment. However, the Department believes that the determination made in 1997 and 2018, that amendments would result in no significant increase in the withholding of benefits to claimants, applies to all of the rules in Article 52. The Department has not received complaints that compliance has been costly or burdensome, leading to the conclusion that the original projection was correct. The rules in this article implement the federal and state mandate that the Department assures unemployment insurance recipients are able to and available for work.

#### **ARTICLE 53. REFUSAL OF WORK BENEFIT POLICY**

All of the rules in Article 53 were adopted prior to the requirement for completing an economic impact statement, except for R6-3-5305, which was adopted in 1997 and at which time no significant negative economic impact was projected. The Department has not received complaints that compliance has been costly or burdensome, leading to the conclusion that the original projection was correct. The Department currently maintains the position that all rules in this article have no adverse effect upon claimants' receipt of unemployment insurance benefits. Federal and state laws mandate that an individual's refusal of an offer of suitable work without good cause result in disqualification from the receipt of benefits. The rules in this section merely implement that mandate.

**ARTICLE 54. BENEFIT CLAIMS, COMPUTATION, EXTENSION, AND OVERPAYMENT**

When the Department amended R6-3-5460 in 2018, R6-3-5475 in 2008, and R6-3-5495 in 1997, it was projected that there would be no significant economic impact on the receipt of benefits. The remaining rules contained in Article 54 were adopted and amended prior to the requirement for completing an economic impact statement. However, eligibility for and receipt of unemployment insurance benefits is controlled by federal and state statutes. The rules in this article merely explain and implement these statutes and do not impact the receipt of unemployment insurance benefits. The Department has not received complaints that compliance has been costly or burdensome, leading to the conclusion that the original projection was correct.

**ARTICLE 55. TOTAL AND PARTIAL UNEMPLOYMENT BENEFIT POLICY**

Article 55 encompasses two rules: R6-3-55415 and R6-3-55460. No economic impact statement accompanied these rules when they were adopted; however, R6-3-55460 was amended in 2018 with the projection of minimal economic impact. The rules merely explain how the Department will apply federal and state unemployment statutes. The Department has not received complaints that compliance has been costly or burdensome, leading to the conclusion that the original projection was correct.

**ARTICLE 56. LABOR DISPUTE BENEFIT POLICY**

When the rules contained in Article 56 were adopted in 1997, the Department projected that they would have no significant economic impact on workers or employers. This was primarily due to the fact that the rules are extensions of federal and state statutes governing the receipt of benefits during a labor dispute, providing the Department with little discretion or flexibility. The Department has not received complaints that compliance has been costly or burdensome, leading to the conclusion that the original projection was correct.

**8. Has the agency received any business competitiveness analyses of the rules?**

Yes  No

DES did not receive a business competitiveness analysis during this report period.

**9. Has the agency completed the course of action indicated in the agency's previous five-year review report?** Yes  No

*Please state what the previous course of action was and if the agency did not complete the action, please explain why not.*



In the Department's 2016 Five-Year Review Report (submitted and approved in 2017), the Department indicated that it had received an exception to the regulatory moratorium imposed by Executive Order 2016-03 in March 2016 to make amendments to R6-3-51140, R6-3-5205, R6-3-5240, R6-3-52235, and R6-55460. These rules were amended by final rulemaking at 24 A.A.R. 1417, effective June 19, 2018 (Supp. 18-2).

In that same Five-Year Review Report, the Department also indicated that it had requested an additional exception to the regulatory moratorium that was approved in June 2017, to modify rules throughout Chapter 3, to update and revise the rules to reflect current statutes and practices, and to make the rules more clear, concise, and understandable. The Department anticipated filing a Notice of Final Rulemaking with the Council in February 2019. That action was delayed for various reasons including an extended waiting period for approval of the exception request, the reprioritization of staff and resources in response to the ongoing COVID-19 pandemic and pandemic-related economic and employment downturns, internal staff turnover, and incomplete efforts to finalize a Notice of Proposed Rulemaking (NPR) draft for submittal to the Secretary of State for publication and public comment. The Department also anticipated COVID-19 response legislation specific to Unemployment Insurance benefits that required additional modification of the rules. The draft rules will be posted for informal stakeholder input in February 2022 for a 60-day comment period to ensure the Department adequately considered stakeholders' comments and concerns early in the rule writing process.

Finally, the Department also committed to analyze the Department's sixteen Substantive Policy Statements in the previous 5YRR pertaining to the Unemployment Insurance Program, and to incorporate appropriate eliminations of, and updates to, the statements and the rules as a result of the analysis. The completion of this task is pending, as drafting of the Notice of Proposed Rulemaking is completed.

10. **A determination that the probable benefits of the rule outweigh within this state the probable costs of the rule, and the rule imposes the least burden and costs to regulated persons by the rule, including paperwork and other compliance costs, necessary to achieve the underlying regulatory objective:**

The Division of Employment and Rehabilitation Services subject matter experts and the Financial Services Administration conducted an analysis of the rules and concluded that the rules impose the least burden and cost to persons regulated by these rules, including paperwork and other compliance costs, necessary to achieve the underlying regulatory objectives.

11. **Are the rules more stringent than corresponding federal laws?** Yes  No

*Please provide a citation for the federal law(s). And if the rule(s) is more stringent, is there statutory authority to exceed the requirements of federal law(s)?*

15 U.S.C. 1671 et seq.; 26 U.S.C. 3301 et seq.; 29 U.S.C. 201 et seq.; 29 U.S.C. 206 and 207; 29 U.S.C. 794; 42 U.S.C. 502(a); 42 U.S.C. 1101 et seq.; 42 U.S.C 1201 et seq.; and 42 U.S.C. 12132 et seq.

DES has determined that the rules in Chapter 3, Articles 13 through 18 and 50 through 56, are not more stringent than the corresponding federal authorities cited.

12. **For rules adopted after July 29, 2010 that require the issuance of a regulatory permit, license, or agency authorization, whether the rules are in compliance with the general permit requirements of A.R.S. § 41-1037 or explain why the agency believes an exception applies:**

DES has determined that A.R.S. § 41-1037 does not apply to these rules because the Agency is not proposing a new rule or an amendment to an existing rule that requires the issuance of a regulatory permit, license, or agency authorization.

13. **Proposed course of action:**

*If possible, please identify a month and year by which the agency plans to complete the course of action.*

On July 17, 2017, the Governor's Office approved an exception to the moratorium on rulemaking declared in Executive Order 2017-02, allowing the Department to conduct rulemaking to align Title 6, Chapter 3 with federal and state laws and regulations, to address inconsistencies addressed in this report, and to make the Article more clear, concise, and understandable to the public.

While the Department provides a significant amount of clarifying information via direct claimant notifications and general public communication (including on its website and through press releases and social media posts), these methods do not carry the prescriptive effect of enactments that the Arizona Administrative Code does. Therefore, the rules require amendment to increase clarity, consistency, and conformity.

This report identifies rules in Chapter 3 that contain language that is not clear, concise, or grammatically correct. Other rules do not comply with Arizona Revised Statutes and federal law. As a result, external stakeholders including members of the general public may find it difficult to understand the operation of the UI program. Additionally, increased conformity with state and federal law mitigates against potential litigation or corrective action requirements for

the Department.

DES is fortunate to have an engaged stakeholder community that actively participates in the rule writing process. The draft rules will be posted for informal stakeholder input in February 2022 for a 60-day comment period to ensure the Department adequately considered stakeholders' comments and concerns early in the rule writing process. The Department expects to receive significant feedback on the draft rules. The Department will address stakeholder feedback prior to filing a Notice of Proposed Rulemaking with the Secretary of State, which will reduce the risk of needing to engage in supplemental rulemaking and further delaying the Notice of Final Rulemaking (NFR). The Department plans to file a NFR by December 2022.