

NOTICE OF SUBSTANTIVE POLICY STATEMENT
DEPARTMENT OF ECONOMIC SECURITY

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

Unemployment Insurance Tax: Educational Institutions – Separations. The substantive policy statement number is 50P-B059.

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

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

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

The substantive policy statement describes various circumstances that may result in the unemployment of an educational institutional worker and the Department's determination of the type of separation that occurred.

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

A.R.S. §§ 23-775(1)(2) and 23-776

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

This is a refiling of a previously existing substantive policy statement.

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

Name: Beth Broeker

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

Phone: 602-542-6555

E-mail: bbroeker@azdes.gov

NOTICE:

This substantive policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona administrative procedure act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under Arizona Revised Statutes section 41-1033 for a review of the statement.

(This notice is required by A.R.S. § 41-1091(B).)

ARIZONA DEPARTMENT OF ECONOMIC SECURITY
DIRECTORY OF RULES AND SUBSTANTIVE POLICY STATEMENTS
SUMMARY PAGE FOR SUBSTANTIVE POLICY STATEMENT

1. Chapter

DES 3 - Income Maintenance

2. Title of the substantive policy statement:

Unemployment Insurance Instruction Memo B-059, Educational Institutions - Separations

3. Policy statement number (if any):

Articles 50, 51, 53 - Benefit Policy Rules

4. Issue Date: May 11, 1984

5. Effective Date: May 11, 1984

6.

New Statement	_____
Revised Statement	_____
Original Statement	<u> X </u>

7. Summary of the contents:

This policy describes various circumstances that may result in the unemployment of an educational institution worker, and the Department's determination of the type of separation that occurred.

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

Name: Dave Berggren, ESA Technical Support Manager
Address: Arizona Department of Economic Security
1789 West Jefferson Site Code 701B4
Phoenix, Arizona 85007
Telephone: (602) 542-3771
Telefacsimile: (602) 542-3690

9. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:

Copies are available in the DES Authority Library, 1789 West Jefferson, Phoenix, Arizona 85007, Site Code 810Z1, or from the person identified in paragraph 8. The first copy is free to a member of the public, for a noncommercial purpose. Additional copies are available at 25 cents per page.

INTEROFFICE MEMO

ARIZONA DEPARTMENT OF ECONOMIC SECURITY

TO: Affected Personnel*

DATE: May 11, 1984

FROM: Acting
UI Program Administrator

REFERENCE: Indefinite

SUBJECT: Instruction Memo No. B-059
Educational Institutions - Separations

A. For uniformity in adjudicating the separation of a school employee from an educational institution, the following guidelines shall be used.

1. The separation is considered a discharge when:

- a. Employment of a school employee is terminated or he is replaced during the school term;
- b. The school district does not offer a contractual employee continuing employment in same or similar capacity for the next school term for reasons other than declining enrollment or lack of funding;
- c. The school district informs an employee prior to the beginning of the next school term there is no assurance of continuing employment for reasons other than declining enrollment or lack of funding.

2. The separation is considered a voluntary leaving when:

- a. The school employee chooses not to sign a contract or intentionally avoids an offer of a renewed contract for the next school term prior to the end of the current school term;
- b. The school employee signs a contract during the school term for the next school term and subsequently decides to resign. The separation date is the date the resignation is submitted.
- c. The school employee has not been offered a contract for the next school term but has a reasonable assurance of rehire. During the period between school terms, the individual notifies the school district he/she will not return or refuses a contract when offered.

3. A refusal of work determination will be made when:

- a. A school employee filing for benefits during the period between terms does not have a contract for or a reasonable

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assurance of continuing employment for the next school term, but during the period between terms is offered continuing employment which is not accepted.

- b. A school employee is offered a contract for the next school term in a different capacity and refuses the contract. (New Work).

- 4. When a school employee's separation is other than a lack of work, the use of the wages from an educational institution is not a separate issue since there is not a contract or reasonable assurance of continued employment.

- B. If you have any questions concerning the contents of this memo, please contact the Technical Support Section, 255-3771.


PSGreen:GH:jm

- *
 - UI Local Office Managers
 - UI District Program Managers
 - UI Section Managers
 - UI Benefit Unit Managers

c
Dr. Becerra 901A
Mr. Bebout 066B
Ms. Sweeney 069B
Mr. Noonan 061Z

File - TLV

AGENCY RECEIPT

SECRETARY OF STATE
FILED

NOTICE OF SUBSTANTIVE POLICY STATEMENT

2010 SEP -3 PM 1:20

1. **Agency Name:** Department of Economic Security
2. **Title of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:**

Unemployment Insurance Tax: Educational Institutions—Separations. The substantive policy statement number is 50P-B059.