

# *Employment Service Policy Manual*



ARIZONA DEPARTMENT OF ECONOMIC SECURITY

Reemployment Assistance Administration

*Revision 03  
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ARIZONA DEPARTMENT OF ECONOMIC SECURITY



EMPLOYMENT SERVICE POLICY MANUAL	PROGRAM INSTRUCTIONS: DES 2-2-16
SUBJECT: TABLE OF CONTENTS	

**100**   **EMPLOYMENT SERVICE CUSTOMERS**

**200**   **UNEMPLOYMENT INSURANCE CLAIMANTS**

**300**   **REEMPLOYMENT SERVICES AND ELIGIBILITY ASSESSMENT**

**400**   **JOB ORDERS**

**500**   **COMPLAINTS AND DISCONTINUATION OF SERVICE**

**600**   **SELF-APPRAISAL SYSTEM**

**700**   **ARIZONA ADDRESS CONFIDENTIALITY PROGRAM**

**800**   **REFERENCE TABLE**

*ES staff are required to review the [SharePoint Policy Hub](#) at least monthly to determine if any Policy Broadcasts (PBs) or Informational Broadcasts (IBs) have been published that may revise the contents of this policy.*

*Requests for clarification should be sent by your policy designee via e-mail to [DERSESPolicy@azdes.gov](mailto:DERSESPolicy@azdes.gov).*

ARIZONA DEPARTMENT OF ECONOMIC SECURITY



<b>EMPLOYMENT SERVICE POLICY MANUAL</b>	<b>PROGRAM INSTRUCTIONS: SECTION 100</b>
<b>SUBJECT: EMPLOYMENT SERVICE CUSTOMERS</b>	

**100 EMPLOYMENT SERVICE CUSTOMERS**

All job seekers who are citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, parolees, and immigrants authorized by the Attorney General to work in the United States, regardless of whether or not they are currently employed, are eligible for Employment Service (ES) assistance.

ES services for job seekers must include basic career services and may include individualized career services for individuals with barriers to employment. ES staff review the job skills and experience of the job seeker and refer those who are best suited and meet the minimum qualifications for job orders received from employers.

ES also provides re-employment services to individuals filing for or receiving unemployment insurance (UI) benefits.

**101 SPECIALIZED SERVICES**

**.01 Veterans and Eligible Spouses of Veterans**

Serving veterans and their eligible spouses is one of the cornerstone responsibilities of the RAA. Veterans and eligible spouses make up a significant portion of the ES customer base, and specialized staff serve their needs.

**Veterans**

A Veteran is a person who served on active military duty for more than 180 days and was discharged or released under conditions other than dishonorable.

Active service includes full-time duty in the National Guard or a Reserve component. Active service does not include full-time duty for training programs.

**Eligible Spouses**

An Eligible Spouse is a spouse of any one of the following individuals:

- A. Any veteran who died while on active duty or has a service-connected disability;
- B. Any member of the armed forces serving on active duty who, at the time of application for priority of service, is listed in one or more of the following categories and has been listed for a total of more than 90 days:
  1. Missing in action;
  2. Captured in line of duty by a hostile force; or
  3. Forcibly detained or interned in the line of duty by a foreign government or power.
- C. Any veteran who has a total (100 percent) disability resulting from a service-connected disability, as determined by the Department of Veterans Affairs; or
- D. Any veteran who died and had a total disability (100 percent service connected), as determined by the Department of Veterans Affairs.

**Note:** Covered persons must receive services prior to non-covered persons. It is the responsibility of all ES staff to provide priority of service to all veterans and eligible spouses.

ES staff must [refer to laws, regulations, and/or guidance](#) for services to veterans and eligible spouses of veterans. For policy questions relating to serving veterans and eligible spouses of veterans, contact DERS ES Policy at [DERSESPolicy@azdes.gov](mailto:DERSESPolicy@azdes.gov).

## **.02 Disabled Veterans Outreach Program**

Disabled Veterans Outreach Program (DVOP) specialists provide intensive services to eligible veterans and eligible spouses of veterans determined to have a significant barrier to employment. An eligible veteran or eligible spouse of a veteran is determined to have a significant barrier to employment if he or she is:

- A. A special disabled or disabled veteran, as defined in 38 U.S.C § 4211(1) and (3), who:
  - Are entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Secretary of Veterans' Affairs; or

- Were discharged or released from active duty because of a service connected disability;
- B. Homeless, as defined in Sec. 103(a) and (b) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302(a) and (b)), as amended;
- C. A recently-separated service member, as defined in 38 U.S.C § 4211(6), who at any point in the previous 12 months has been unemployed for 27 or more consecutive weeks;
- D. An offender, as defined by WIOA Sec. 3(38), who is currently incarcerated or who has been released from incarceration;
- E. An individual lacking a high school diploma or equivalent certificate; or
- F. A low-income individual (as defined by WIOA Sec. 3(36)).

### **.03 Veterans' Priority of Service**

ES provides priority of service to qualified veterans and eligible spouses. This means that a qualified veteran or eligible spouse receives priority over a non-veteran or non-eligible spouse for any employment or job placement service. Veterans' Priority of Service (VPOS) also means that veterans and eligible spouses (covered persons) receive access to services or resources earlier than non-veterans and non-eligible spouses. In other words, if funding or resources are limited, then veterans and eligible spouses will have priority access to funding or resources before non-covered persons.

VPOS dictates that covered persons receive priority for the following services:

- Registration
- Interviewing with a representative
- Assessments/testing
- Vocational guidance
- Referral to employment services
- Job search workshops
- Referral to training opportunities

- Referral to job openings
- Job development

An optional *Veterans' Priority of Service* ([ESA-1193](#)) assessment form must be made available at all points of intake to allow for self-VPOS identification.

ES staff must [refer to laws, regulations, and/or guidance](#) for VPOS. For policy questions relating to VPOS, contact DERS ES Policy at [DERSESPolicy@azdes.gov](mailto:DERSESPolicy@azdes.gov).

#### **.04 Unemployment Insurance Claimants**

ES staff have limited access to UI claimant information in the General Unemployment Insurance Development Effort (GUIDE) system, and are able to provide general UI information and some information concerning certain aspects of an individual's UI claim (see [Sec. 202.01](#)). Staff may also assist UI claimants with UI document submittals.

When a UI claimant has questions or requests that ES staff cannot answer, staff must contact the UI representative assigned to that ES office in order to request additional assistance.

ES staff must refer to [laws, regulations, and/or guidance](#) for services to Unemployment Insurance (UI) claimants. For policy questions relating to the UI program, contact the Unemployment Insurance Policy Administration Policy Unit at UIA Policy or [UIAPolicyandBTQUnit@azdes.gov](mailto:UIAPolicyandBTQUnit@azdes.gov).

#### **.05 Individuals with Barriers to Employment**

ES services for job seekers may include individualized career services for individuals with barriers to employment, to include:

- A. Displaced homemakers;
- B. Low-income individuals;
- C. Native Americans;
- D. Individuals with disabilities, including youth who are individuals with disabilities;
- E. Older individuals;

- F. Ex-offenders;
- G. Homeless individuals, including homeless children and youth;
- H. Youth who are in or have aged out of the foster care system;
- I. English language learners;
- J. Individuals who have low levels of literacy;
- K. Individuals facing substantial cultural barriers;
- L. Eligible migrant and seasonal farmworkers;
- M. Individuals within 12 months of exhausting TANF lifetime eligibility;
- N. Single parents (including single pregnant women);
- O. Long-term unemployed individuals; and
- P. Such other groups as the Governor of the State of Arizona determines to have barriers to employment.

For more details on these groups, including specific definitions and authority, see WIOA Sec. 3(24).

ARIZONA DEPARTMENT OF ECONOMIC SECURITY



EMPLOYMENT SERVICE  
POLICY MANUAL

PROGRAM INSTRUCTIONS:  
SECTION 200

SUBJECT: UNEMPLOYMENT INSURANCE CLAIMANTS

**200 UNEMPLOYMENT INSURANCE CLAIMANTS**

ES staff provides individuals who are considering application for, have applied for, or are in receipt of UI benefits with general UI information, some information concerning certain aspects of an individual's UI claim, and in some cases may assist claimants in transmitting UI related materials to UI staff. ES staff also provide specialized employment services to UI claimants who have been referred to the Reemployment Services and Eligibility Assessment (RESEA) program (see [Sec. 300](#)).

**201 UI Eligibility Issues**

**.01 UI Work Test**

As a condition of receiving UI benefits, UI claimants must meet the requirements of the UI Work Test. The UI Work Test is a method for determining whether a UI claimant meets the criteria for continuing UI eligibility. UI claimants complete the UI Work Test when they file their weekly claim.

The UI Work Test determines a UI claimant's:

- A. Ability to work;
- B. Availability for work; and
- C. Acceptance of suitable offers of employment.

ES staff have a responsibility to inform the claimant of the possibility that any action or lack of action involving UI Work Test issues may adversely affect his or her UI benefits eligibility (see [Sec. 201.02](#)).

**.02 Reportable Issues**

ES staff are responsible for notifying UI of any issue that affects a claimant's continued participation in the UI program within one business day of discovery.

A. Reportable items that are within the scope of the UI Work Test include:

1. Failure to report to the ES office for a scheduled appointment;

**Note:** Failure to report to a scheduled initial or subsequent RESEA appointment will be automatically reported via AJC at the close of the business day, and does not need to be reported by staff (see [Sec. 304](#));

2. Failure to accept a referral to a job;

3. Failure to accept a suitable job offer;

4. Failure to report for a job interview;

5. Failure to report for work after accepting a job; or

6. Limiting availability for work or training.

B. Other reportable information includes the claimant's failure to accept work:

1. When the job offered is in line with the claimant's work history;

2. When the claimant's wage demand is higher than their wage history from recent employment;

3. Because of a commute distance, when compared to the distance formerly traveled for recent jobs, or the normally accepted commuting pattern for the area;

4. Because of transportation (considering the availability of public or private transportation);

5. Due to schedule (compared to former work periods or those normal for the occupation);

6. Because of childcare or other domestic difficulties; or

7. Because of any physical or mental condition that could restrict ability to work or availability for immediate employment.

**Note:** Refer these individuals to the appropriate rehabilitation agency or service.

**202 INFORMATIONAL SERVICES FOR UI CLAIMANTS**

ES offers limited claim-related informational services to UI claimants. Since UI business is conducted via the internet or by telephone, current and potential UI claimants may use the resources at any ES office to apply for UI, file weekly certifications, obtain or turn in other UI-related forms or documentation, contact the UI call center, and obtain additional information on how to file a claim.

**.01 Information Regarding an Individual's Claim**

ES staff have restricted access to certain UI screens within the GUIDE system and may only view limited information concerning an individual's UI claim. Due to the sensitive nature of information in GUIDE, ES staff may only share the following information with UI claimants regarding their claims:

- A. Discrepancies in contact information
- B. Confirmation that payments are on hold due to an eligibility issue, without naming the eligibility issue, except for specific issues that ES staff are authorized to resolve.

When a UI claimant has questions or requests that ES staff cannot answer, staff must contact the UI representative assigned to that ES office in order to request additional assistance.

**.02 UI Issues - GUIDE**

ES staff are authorized to resolve the following UI eligibility issues in GUIDE when UI claimants have met the resolution criteria for an issue:

**A. 47 Issue - Failure to Report to Orientation**

A 47 issue is set in GUIDE when a claimant fails to attend a scheduled RESEA appointment (see [Sec. 304](#)).

ES staff must resolve a 47 issue when an appointment was missed due to a job interview occurring at the same time as the appointment (see [Sec. 305.02\(B\)\(1\)\(b\)](#)).

Otherwise, ES staff must only resolve a 47 issue when the claimant has reported for his or her rescheduled RESEA appointment and has completed all required services (see [Sec. 305.04](#)).

## B. 48 Issue - Employment Service Registration

UI claimants are automatically registered with ES in the Arizona Job Connection (AJC) Labor Exchange (LE) system when they apply for UI benefits. A 48 issue is set in GUIDE when a claimant has registered in AJC more than once and/or their name or social security number does not match with UI records.

UI notifies claimants when their name or social security number does not match their previous registration in AJC and instructs claimants to report to the nearest ES office to have the information corrected.

When a claimant reports to a local ES office, ES staff must check the claimant's identification and compare it to information in both GUIDE and AJC, as well as ensure that a complete LE Employment Service Enrollment has been entered in AJC.

1. When verification indicates that the information is correct in AJC, but incorrect in GUIDE, ES staff must contact UI and request that UI update GUIDE with the correct information.

**Note:** ES must not resolve the 48 issue in this situation, as UI staff will resolve the issue after the correction has been made.

2. When verification indicates that the information is correct in GUIDE, but is incorrect in AJC, ES staff must update AJC with the correct information, ensure that an LE Employment Service Enrollment is active, and resolve the 48 issue.
3. When more than one registration exists in AJC, ES staff must first contact the DERS Help Desk for assistance, and then resolve the 48 issue once the situation is corrected.

## C. 49 Issue - Profiling Compliance

A 49 issue is set in GUIDE when a claimant reports to an RESEA appointment (initial or subsequent), but fails to complete all required services (see [Sec. 303](#)).

ES staff must resolve a 49 issue only when the claimant has completed all required services.

## D. 53 Issue - Reporting Requirements

A 53 issue is set in GUIDE by UI staff when a claimant fails to attend a scheduled RESEA appointment (see [Sec. 304](#)) and has not responded to the UI M4-547 questionnaire. ES staff must resolve a 53 issue only when the claimant has reported for his or her rescheduled RESEA appointment and has completed all required services (see [Sec. 305.04](#)).

ARIZONA DEPARTMENT OF ECONOMIC SECURITY



EMPLOYMENT SERVICE  
POLICY MANUAL

PROGRAM INSTRUCTIONS:  
SECTION 300

SUBJECT: REEMPLOYMENT SERVICES AND ELIGIBILITY ASSESSMENT

**300 REEMPLOYMENT SERVICES AND ELIGIBILITY ASSESSMENT**

ES staff provide reemployment services to select UI Claimants via the Reemployment Services and Eligibility Assessment (RESEA) program. The RESEA program provides claimants identified as most likely to exhaust their benefits, and veterans receiving Unemployment Compensation for Ex-Servicemembers (UCX), with services that may help them return to work more quickly. Arizona maintains a computerized system, the Arizona Integrated Reemployment Services Network (AIRSNet), to identify claimants for RESEA participation.

**.01 Scheduling the Initial RESEA Appointment**

Local ES office supervisors or designated ES staff access AIRSNet once a week, prior to Friday, to schedule all referred claimants for RESEA services with priority given to UCX members. Once scheduled, AIRSNet automatically mails a *Notice of Referral to Reemployment Orientation* ([UB-335](#)) informing claimants of the appointment details. The notice advises claimants to bring a current copy of their resume to the appointment, if available.

Once the claimant is scheduled for an RESEA appointment, the following mandatory Service Types are automatically added in AJC:

- A. Reemployment Orientation Service
- B. Initial Assessment
- C. UI Eligibility Review
- D. Development of Individual Employment Plan
- E. Job Search Special Labor Market Assistance

ES staff must call scheduled claimants at least one business day (and up to three business days) prior to their RESEA appointment, to remind them of:

- The requirement to attend in order to remain eligible for UI benefits;
- The date, time and location for which they are scheduled to attend; and

- Information and materials they should prepare and bring to the appointment.

### **.02 Staff Responsibilities When a Claimant Reports to an RESEA Appointment**

ES staff must ensure that a copy of the daily sign-in sheet from AIRSNet is available for claimants to sign when they report to the initial RESEA appointment. After signing in, ES staff must provide claimants the following forms to complete:

- A. *RESEA Participation Waiver* ([ESA-1272](#))
- B. *Work Readiness Self-Assessment* ([ESA-1220](#))
- C. *Eligibility Review Questionnaire* ([UB-101-FF](#))

Claimants will complete these forms and turn them in to ES staff during the initial assessment. Staff will retain these records (see [Sec. 309](#))

## **301 RESEA SERVICES**

ES staff must provide at least one of the following services, in addition to the mandatory services that are automatically scheduled, and record them in the AJC Enrollment Notes page (via the RES/RESEA Enrollment Details screen):

- A. Job Search and Placement Assistance
- B. Referral to WIOA Title I-B Services
- C. Customized Resume Assistance (resume review)

### **.01 Orientation**

Local ES offices conduct RESEA orientations in a group or one-on-one setting, depending on local office procedure. Topics for orientation include:

- A. What claimants may expect that day;
- B. Requirements of participation in RESEA activities to remain eligible for UI benefits; and
- C. An introduction to the programs and services offered at ARIZONA@WORK Job Centers.

## **.02 Initial Assessment**

When the orientation is complete, ES staff will meet with the claimant for a one-on-one, in-person interview. ES staff will conduct the initial RESEA appointment for all RESEA and UCX claimants. At the completion of the initial appointment, ES staff will refer (introduce, as available) UCX claimants with a significant barrier to employment (see [Sec. 101.02](#)) to a DVOP specialist, who will both schedule and conduct the claimant's subsequent RESEA appointment.

ES staff must review AJC, GUIDE 01, and GUIDE 25 screens to ensure the claimant's information is correct, as well as to obtain his or her Claimant ID from the GUIDE 25 screen. When a claimant's contact information is incorrect, ES staff must update AJC and the GUIDE AA screen immediately.

The primary focus of the Initial Assessment is to conduct a one-on-one interview with the claimant to assess his or her skills, interests, and need for other services. ES staff must ensure that the claimant has a complete registration in AJC. Registration must include complete demographic information, the claimant's background information (education, employment history, etc.), updated talents, needs/barriers, income/low-income information, and at least one resume entered into AJC for the claimant (see [Sec. 301.08](#)). This process ensures quality job-matching in AJC.

ES staff must also collect the [ESA-1272](#) and [ESA-1220](#) forms from the claimant, record their Claimant ID on the forms, review answers with the claimant, and retain copies (see [Sec. 309](#)). ES staff must also provide the claimant with his or her AJC Username and Password so that he or she can log in and create an active resume.

## **.03 UI Eligibility Review**

ES staff must assess a claimant's continued UI eligibility by reviewing the *Eligibility Review Questionnaire* ([UB-101-FF](#)) with the claimant. ES staff will use the Call Center Reporting System (CCRS) to view a claimant's work search activity. When ES staff identifies a potential issue on the UB-101-FF, he or she must fax the form to UI at 602-364-1212 or 520-770-3358.

Claimants may record RESEA activities as a work search contact for each day they attend.

For more information concerning UI eligibility issues, see [Sec. 201](#).

#### **.04 Development of an Individual Employment Plan**

ES staff must complete an Employment Plan in AJC for all claimants reporting for RESEA. ES staff should enter any areas of concern identified on the *Work Readiness Self-Assessment* ([ESA-1220](#)), entering appropriate information into each area of the plan. The Claimant ID (CLT ID) must be entered into the Additional Notes field of the plan.

The claimant and the ES staff member must agree to and sign the plan to indicate mutual understanding and the claimant's agreement to participate in the assigned services. ES staff must add the following statement into the Client Responsibilities and Agency Responsibilities field:

“The reemployment service(s) offered has/have been explained to me. I have read the Reemployment Service Plan and understand that it is my responsibility to actively participate in the service(s) outlined above. I am aware that if I fail to participate, I may be denied Unemployment Insurance benefits.”

The plan may be updated and adjusted according to the changing needs of the claimant.

ES staff must print a copy of the plan, for the claimant to sign, and to provide to the claimant for their records. Staff will also retain a copy of this signed record (see [Sec. 309](#)).

A subsequent RESEA appointment must be scheduled within 30 days following the initial RESEA appointment (see [Sec. 302](#)). The UI claimant has the choice of attending the subsequent appointment either in-person or via telephone.

#### **.05 Provision of Labor Market and Career Information**

During the one-on-one interview, ES staff will provide labor market information (LMI) to the claimant.

ES staff must not simply provide the claimant with a page of resources/websites or a description of services provided through the ARIZONA@WORK Job Centers; it is required that ES staff also provide the claimant with information concerning hiring patterns, working conditions, typical pay in occupations, in-demand labor in the area, etc. This LMI is available in AJC.

This information may be found by selecting the “Resources” tab at the top of the AJC home page. An “Arizona Labor Statistics” link is available under *Labor Market Resources*. Clicking on this link redirects to the Arizona Office of Economic Opportunity, Arizona Labor Statistics at <https://laborstats.az.gov/>.

#### **.06 WIOA Title I-B Services**

ES staff may provide information to claimants regarding the Local Workforce Development Area (LWDA) and services available through the ARIZONA@WORK system, including information about training and registered apprenticeships.

#### **.07 Job Search Assistance**

ES staff must provide job search and job placement assistance to claimants, using AJC and other appropriate job boards in conjunction with labor market information and other relevant resources, to provide each claimant with job search recommendations and job referrals or job developments, as appropriate.

To ensure the integrity of ES job search and placement assistance, it is imperative that ES staff carefully review job orders in order to more suitably match a job seeker’s knowledge, skills, and abilities to the needs of the employer and the position.

During job order referral, it is important that ES staff emphasize to the claimant the importance of preparing for and following through with the job referral, as concerns both the overall success of their job search and the potential consequences to their UI benefits should the claimant fail to accept a referral to a job; accept a suitable job offer; report for a job interview; report for work after accepting a job; or self-restrict their availability for work or training (see [Sec. 201.02](#)).

#### **.08 Resume Review and Upload to AJC**

ES staff must review a claimant’s resume for overall quality and make suggestions for improvements. Claimants who have no resume, or who have a resume in need of significant improvement, must be referred to a resume writing workshop or to a career guidance counselor.

A full and complete registration in AJC requires an appropriate resume, suitable for job matching, be uploaded. When the claimant has not provided

a resume, or has provided a resume with issues that need to be addressed, ES staff must assist the claimant in building an appropriate resume. When the claimant has only limited information to provide ES staff in the creation of a resume, or has provided a resume with significant issues, staff must:

- Assist the claimant to create a basic resume in AJC, including information concerning (at least) the claimants last job;
- Refer the claimant to WIOA Title I-B Services for resume assistance; and
- Require that the claimant update AJC with a full and complete resume within five business days.

### **302 SCHEDULING/CONDUCTING THE SUBSEQUENT RESEA APPOINTMENT**

A subsequent RESEA appointment must be scheduled within 30 calendar days from the date of the initial RESEA appointment. This appointment must be conducted for a claimant if they have not returned to work, unless he or she meets any of the criteria discussed and identified in [Sec. 307.01](#) or [Sec. 308.01](#).

The following services must be added to the Service and Training Plan for the subsequent RESEA appointment and recorded on the Employment Plan in AJC:

- A. UI Eligibility Review;
- B. Development of an Individual Employment Plan;
- C. Subsequent Contact – RESEA;
- D. Referral to at least one reemployment service, as appropriate, which may include:
  1. Job club/workshops
  2. Referral to WIOA Title I-B services
  3. Job development
  4. Job referrals
  5. Job search and placement assistance

When completing the subsequent appointment over the phone, ES staff must ask the claimant all of the questions on the *Eligibility Review Questionnaire* ([UB-101-FF](#)) and

must sign and date the form in the Deputy's signature box. The Individual Employment Plan must be updated and ES staff must enter notes in the AJC Enrollment Notes page (via the RES/RESEA Enrollment Details screen) stating that the appointment was conducted by telephone and that updates were discussed and agreed to by the claimant.

The RESEA enrollment in AJC will close four business days after the subsequent appointment has been completed. ES staff must continue to provide appropriate reemployment services to the claimant until he or she obtains employment or enters training. However, any services provided after the subsequent RESEA appointment must be recorded under the LE Program enrollment.

### **303 CLAIMANT ATTENDS APPOINTMENT BUT DOES NOT COMPLETE ALL SERVICES**

When a claimant reports to either the initial or subsequent RESEA appointment, but does not successfully complete all required services, ES staff must access each incomplete service type, select "Adjudication (49) Profiling Compliance" from the Participant Group drop-down box, and update the Status to "Unsuccessful Completion."

ES staff must enter notes, in both the AJC Enrollment Notes page (via the *RES/RESEA Enrollment Details* screen) and the GUIDE M1 screen, explaining why the services were not successfully completed.

### **304 FAILURE TO REPORT TO THE RESEA APPOINTMENT**

When a claimant does not report to the RESEA appointment and no contact from the claimant is received by the end of that business day, AJC will automatically result each mandatory service previously in a scheduled status as "Failed to Report", which will in turn communicate the issue to UI. ES staff must never change the status of any RESEA services that have been resulted as "Failed to Report" in AJC.

When a claimant contacts ES staff after the missed appointment to reschedule, staff must follow steps outlined in [Sec. 305.02](#).

No action is required by ES staff when a UI claimant does not report to an RESEA appointment and does not contact ES staff to reschedule an appointment.

### **305 RESCHEDULING AN RESEA APPOINTMENT**

Appointments can be rescheduled one time, within the same week of the original appointment. Exceptions, based on limited scheduling availability, may be considered.

### **.01 Contact Received Before a Scheduled RESEA Appointment**

When the claimant has contacted ES staff *before* their scheduled RESEA appointment to request that the appointment be rescheduled, ES staff must:

- A. Verbally inform the claimant of the new date, time, and location of the RESEA appointment.
- B. Access the AJC RESEA Service & Training screen (S&T Plan) and:
  1. Access each scheduled mandatory service on the AJC RESEA Service & Training screen.
  2. AJC will automatically redirect to the Service Details RES RESEA for Client screen. Do only the following:
    - a. Change the Status from “Scheduled” to “Rescheduled.”
    - b. Click the “Save” button.

AJC will automatically redirect to the Service Details RES RESEA for Client screen again for adding the new mandatory service. The Service Type Field will auto-populate with the service type to be added.

3. Complete the process by doing the following:
  - a. Select “No” in the Does this service lead to a credential? field.
  - b. Select “000-No Participant Group.”
  - c. Select the “Scheduled” Status.
  - d. Select the new RESEA appointment date in the Est. Start Date and Est. End Date fields.
  - e. Select the name of the staff person rescheduling the appointment in the Staff Providing Service field.
  - f. Click the “Save” button.

Remember to repeat this process for each mandatory service.

- C. Enter notes, in both the AJC Enrollment Notes page (via the RES/RESEA Enrollment Details screen) and the GUIDE M1 screen, explaining that the claimant rescheduled the RESEA orientation before his or her original appointment and include the reason for the reschedule.

## **.02 Contact Received After a Scheduled RESEA Appointment**

When the claimant has contacted ES staff *after* their scheduled RESEA appointment to request that the appointment be rescheduled, there are two possible processes dependent on *when* the claimant has contacted ES:

- A. When the claimant has contacted ES after the scheduled appointment, but on the same day as the appointment, and the Status of the mandatory services for the missed appointment remains “Scheduled” (i.e. AJC has not yet changed these services to a “Failed to Report” status), ES staff must process the request as a Contact Received Before a Scheduled RESEA Appointment (see [Sec. 305.01](#)).
- B. When the claimant has contacted ES after the scheduled appointment, on the following day or on some later date, the Status of the mandatory services for the missed appointment has been auto-updated to “Failed to Report,” and/or the claimant has received an M4-547 notice from UI, ES staff must:
  1. Ask the claimant why he or she missed the original RESEA appointment:
    - a. If the claimant states that he or she did not receive notification of the RESEA appointment, ES staff must confirm whether or not the address is correct in GUIDE. When the address is incorrect, ES staff must contact UI to request an address correction.

**Note:** ES must not resolve the 47 issue in this situation, as UI staff will resolve the issue after the address correction has been made.
    - b. If the claimant states he or she could not attend the RESEA appointment because of a job interview during

the same time, ES staff must document the job interview details as part of the notes process described in part C of this subsection. Once the job interview has been documented and the appointment has been rescheduled, ES staff must resolve the 47 issue.

2. Access the AJC RESEA Service & Training screen (S&T Plan).

ES staff must not change the status of any RESEA services that have been resulted as “Failed to Report” on this screen. ES staff must instead do the following for each mandatory service:

- a. Select the “Add Service” button on the AJC RESEA Service & Training screen. AJC will automatically redirect to the Service Details RES/RESEA for Client screen.
- b. Select the mandatory service from the “Service Type” drop-down box.
- c. Select “No” in the “Does this service lead to a credential?” field.
- d. Select the appropriate code in the Participant Group field.
  - When an issue requiring adjudication exists, select the appropriate Adjudication code/reason.
  - When there is no issue that requires adjudication, select “000-No Participant Group.”
- e. Select “Scheduled” in the Status field.
- f. Select the new RESEA appointment date in the Est. Start Date and Est. End Date fields.
- g. Select the name of the staff person rescheduling the appointment in the Staff Providing Service field.
- h. Click the “Save” button.

Remember to repeat this process for each mandatory service.

C. Enter notes, in both the AJC Enrollment Notes page (via the RES/RESEA Enrollment Details screen) and the GUIDE M1 screen,

explaining that the claimant rescheduled the RESEA orientation after his or her original appointment and include the reason for the reschedule.

### **.03 Manually Adding Services for Rescheduled RESEA Appointments**

ES staff must manually add a new set of mandatory RESEA services to the claimant's Service & Training Plan in AJC for the Initial RESEA Appointment:

- A. Reemployment Orientation Services
- B. Initial Assessment
- C. UI Eligibility Review
- D. Development of Individual Employment Plan
- E. Job Search Special Labor Market Assistance

ES staff must manually add the following services to the claimant's Service & Training Plan in AJC for a Subsequent RESEA Appointment:

- A. UI Eligibility Review
- B. Development of Individual Employment Plan
- C. Subsequent Contact – RESEA
- D. Referral to at least one reemployment service, as appropriate, which may include:
  - 1. Referral to WIOA Title I-B services
  - 2. Job club/workshops
  - 3. Job development
  - 4. Job referrals
  - 5. Job search and placement assistance

ES staff must enter the new RESEA appointment date and time in the Est. Start Date and Est. End Date fields for the new RESEA services. ES staff must verbally inform the claimant of the new date, time, and location of the RESEA appointment and inform the claimant that this appointment is required to re-comply with UI.

#### **.04 Claimants Reporting to Rescheduled RESEA Appointments**

When the claimant reports for his or her rescheduled RESEA appointment and completes all required services in the Service and Training Plan, ES staff must update the Status of completed services to “Completed” and key the Actual Start Date and Actual End Date fields with the completion date. When all services are completed, ES staff may resolve the 47, 48, 49 and 53 issues in GUIDE, if applicable.

ES staff must enter notes, in both the AJC Enrollment Notes page (via the RES/RESEA Enrollment Details screen) and the GUIDE M1 screen, to explain why the claimant missed the original appointment (see [Sec. 305.02\(B\)](#)) and that the issues were resolved because the claimant complied with RESEA.

**Note:** If additional issues that may affect a claimant’s UI claim are discovered during the appointment, UI must be notified (see [Sec. 306](#)).

#### **306 NOTIFYING UI OF A POTENTIAL ISSUE**

When ES staff determines that a claimant has any potential issue that may affect his or her UI claim, ES staff must select the appropriate adjudication code from the drop-down box in the Participant Group field of the scheduled RESEA services. ES staff may only identify two potential issues in AJC in order to avoid issues from being overridden. When more than two potential issues are identified during an RESEA appointment, ES staff must send an e-mail for the additional issues to UI at UIA RESEA or [UIARESEA@azdes.gov](mailto:UIARESEA@azdes.gov). ES staff must include “Potential RESEA Issue(s)” in the subject line and provide the following in the body of the e-mail:

“Deputy ID 709  
Local Office 830  
Name of UI Claimant  
Claimant ID (located on the 25 screen in GUIDE)  
Date of RESEA Appointment; and  
Code and Title of Adjudication Issue (e.g. 02-Not Available For Work)”

The UI RESEA e-mail must only be used by ES staff to notify UI of potential issues. When ES staff have policy-related questions that cannot be addressed after consulting with his or her supervisor, questions must be sent to DERS ES Policy at [DERSESPolicy@azdes.gov](mailto:DERSESPolicy@azdes.gov).

**307 EXEMPTION FROM THE INITIAL RESEA APPOINTMENT**

RESEA is mandatory for claimants selected for participation; however, claimants may be exempt from RESEA when they have already returned to work prior to their scheduled initial RESEA appointment.

ES staff must review the claimant's ES registration over the phone and ensure that a complete AJC registration exists. When ES staff are able to access the RESEA enrollment and appropriately exempt the RESEA services, staff must enter notes, in both the AJC Enrollment Notes page (via the RES/RESEA Enrollment Details screen) and the GUIDE M1 screen, to explain the reason for the exemption.

When a claimant is exempted from participation in the RESEA program over the phone, completion of the RESEA forms are not required.

**.01 Allowable RESEA Exemption**

ES staff may only exempt a claimant from the initial RESEA appointment when a claimant has already returned to work prior to their scheduled initial RESEA appointment.

ES staff must obtain the date on which the claimant returned to work, and the employer's name, to be noted in the AJC RES RESEA Enrollment screen/Reason Client is Exempt field (see [Sec. 307.02\(C\)](#)).

**.02 Procedures for Exempting a UI Claimant from the Initial RESEA Appointment**

UI claimants who have met the above criteria are exempt from participating in the initial RESEA appointment. Supervisors must ensure ES staff are following these procedures to guarantee accurate reporting.

- A. ES staff must access the Service and Training (S&T) Plan in AJC and select "Waived" as the status for each of the scheduled services.

**RESEA Service & Training**

RESEA Service & Training for

Services Quick Entry Add Service Call-in Enrollment Details

Service Type	Provider	Budget	Payments	Status	Start Date	Completed
Job Search Spec Labor Market Assistance	Flagstaff Employment Service	No Budgets	No Payments	Waived	N/A	N/A
Initial Assessment	Flagstaff Employment Service	No Budgets	No Payments	Waived	N/A	N/A
Development of Individual Employment Plan (IEP/SP/ISS)	Flagstaff Employment Service	No Budgets	No Payments	Waived	N/A	N/A
Re-Employment Orientation Service	Flagstaff Employment Service	No Budgets	No Payments	Waived	N/A	N/A
UI Eligibility Review	Flagstaff Employment Service	No Budgets	No Payments	Waived	N/A	N/A

Click the Add Service button to add a new service or training.  
 Click the Services Quick Entry button to add a new completed service.  
 Click the Call-in button to generate a call-in notice to the client.  
 Click the Service Type link above to view/edit details for existing services.

Services Quick Entry Add Service Call-in Enrollment Details

B. Next, ES staff must return to the RES RESEA Enrollment Details screen and click on Enrollment Info.

**RES RESEA Enrollment Details for**

Click on the appropriate link to add, view, or edit the information. You will be restricted to information based on your privilege level.

Part ID	1704207
Prog ID	2988881
Enroll ID	2997369
Enrollment Info	Enrolled: 12/30/2016.

C. On the RES RESEA Enrollment screen, select the “Yes” radio button under “This client is exempt from this enrollment” and add appropriate comments with detailed information in the “Reason client is exempt” box. Finally, click on the “Save Exempt Status” button.

The screenshot shows the 'RES RESEA Enrollment' form. At the top, it says 'Edit Enrollment for' followed by a redacted name. Below this are fields for 'Start Date' (12/30/2016), 'Exit Date' (with a message: 'You may not enter an exit date for this enrollment.'), and 'Inactivation Date for Job Matching' (with a placeholder 'mm/dd/yyyy'). A red box highlights the exemption section, which includes a message 'This client is exempt from this enrollment.' and two radio buttons: 'Yes' (selected) and 'No'. A red '1' is next to the 'Yes' button. Below this is a text area labeled 'Reason client is exempt (250 character max.)' with a red '2' and an arrow pointing to it. The text area contains the following text: 'Enter appropriate comments for exemption here. Include detailed information. For example: Claimant stated he returned to work with ABC Company on 03/01/2017 as a Customer Service Rep making \$12/hr.' There is a 'Check spelling' link below the text area. At the bottom of the form, there are three buttons: 'Inactivate for Job Matching', 'Save Exempt Status', and 'Return'. A red '3' is next to the 'Save Exempt Status' button.

### **308 WAIVER FROM RESEA SERVICES**

RESEA is mandatory for claimants selected for participation. When a claimant shows up to their initial RESEA appointment, ES staff may waive the claimant from some services when they meet any of the exemption criteria found in [Sec. 308.01](#), but must not exempt them from RESEA enrollment.

ES staff must review the claimant's ES registration and ensure that a complete AJC registration exists. When ES staff are able to access the RESEA enrollment and appropriately waive the RESEA services, ES staff must enter notes, in both the AJC Enrollment Notes page (via the RES/RESEA Enrollment Details screen) and the GUIDE M1 screen, to explain the reason for waiving the services.

The criteria found in [Sec. 308.01](#) is used for waivers. For example, if a claimant reports to the appointment and states they are receiving a similar service, ES staff must obtain appropriate documentation of the similar service on the *RESEA Participation Waiver* form ([ESA-1272](#)). The claimant would complete the Assessment Orientation, Initial Assessment, and UI Eligibility Review. ES staff may then waive the claimant from all other services and enter notes, in both the AJC Enrollment Notes

page (via the RES/RESEA Enrollment Details screen) and the GUIDE M1 screen, to explain the reason for the waiver from those services. When a person is waived from services because they meet any of the criteria in [Sec. 308.01](#), the subsequent RESEA appointment must not be scheduled.

### **.01 Allowable RESEA Waivers**

ES staff may waive claimants from reemployment services when a claimant:

- A. Is attending approved training, as determined by UI;
- B. Has already returned to work prior to their scheduled initial RESEA appointment (but was not previously exempted). ES staff must obtain the date in which the claimant returned to work and the employer's name, to be noted in the AJC RES RESEA Enrollment screen/Reason Client is Exempt field (see [Sec. 308.02\(C\)](#)).
- C. Has a definite date to return to work within two weeks. ES staff must obtain the return to work date and the employer's name, to be noted in the AJC RES RESEA Enrollment screen/Reason Client is Exempt field (see [Sec. 308.02\(C\)](#)).
- D. Is on a seasonal or temporary layoff and have been assured by the employer that he or she will be returning to work (obtain the return to work date and employer's name);
- E. Is a member of a union, secures work through a union hiring hall, and are on the out-of-work list;
- F. Resides more than 20 miles from services and did not work more than 20 miles from home on their last job; or
- G. Has attended, or are currently attending, a similar service. A "Similar service" is resume writing or job placement assistance contracted by the claimant's former employer. The claimant must provide ES staff with documentation of services they are currently attending or have attended within the last two months.

### **.02 Procedures for Waiving a UI Claimant from RESEA Services**

UI claimants who meet any of the above criteria are waived from participating in RESEA services. Supervisors must ensure ES staff are following these procedures to guarantee accurate reporting.

- A. ES staff must access the Service and Training (S&T) Plan in AJC and select "Waived" as the status for each of the scheduled services.

**RESEA Service & Training**

RESEA Service & Training for \_\_\_\_\_

Services Quick Entry   Add Service   Call-in   Enrollment Details

Service Type	Provider	Budget	Payments	Status	Start Date	Completed
Job Search Spec Labor Market Assistance	Flagstaff Employment Service	No Budgets	No Payments	Waived	N/A	N/A
Initial Assessment	Flagstaff Employment Service	No Budgets	No Payments	Waived	N/A	N/A
Development of Individual Employment Plan (IEP/ISP/ISS)	Flagstaff Employment Service	No Budgets	No Payments	Waived	N/A	N/A
Re-Employment Orientation Service	Flagstaff Employment Service	No Budgets	No Payments	Waived	N/A	N/A
UI Eligibility Review	Flagstaff Employment Service	No Budgets	No Payments	Waived	N/A	N/A

Click the Add Service button to add a new service or training.  
 Click the Services Quick Entry button to add a new completed service.  
 Click the Call-in button to generate a call-in notice to the client.  
 Click the Service Type link above to view/edit details for existing services.

Services Quick Entry   Add Service   Call-in   Enrollment Details

- B. Next, ES staff must click on the “save” button at the bottom of the page.
- C. Finally, staff must enter notes, in both the AJC Enrollment Notes page (via the RES/RESEA Enrollment Details screen) and the GUIDE M1 screen, to explain the reason for the waiver.

**309 RECORD RETENTION**

ES staff must scan all of the RESEA forms to themselves, save them as a PDF document, and upload the saved PDF forms into AJC for each claimant.

ARIZONA DEPARTMENT OF ECONOMIC SECURITY



<b>EMPLOYMENT SERVICE POLICY MANUAL</b>	<b>PROGRAM INSTRUCTIONS: SECTION 400</b>
<b>SUBJECT: JOB ORDERS</b>	

**400 JOB ORDERS**

A job order is a structured record of an employer’s requirements for filling a vacant position with qualified workers. ES staff may write job orders based on an employer’s job recruitment requirements or may use an employer-supplied document to create a job order in AJC. Employer job order information essential to the selection and referral of qualified applicants must be classified and recorded.

To complete a job order, staff must:

- A. Obtain all relevant information regarding the job from the employer;
- B. Determine the type of job order and act accordingly;
- C. Document any applicable case notes in AJC;
- D. Provide the employer with information regarding action(s) to be taken on the order;
- E. Identify the availability of qualified applicants; and
- F. Provide the employer with LMI as needed.

Information must be complete and must contain only legal and job-related requirements. When sufficient information is received, ES staff will create a job order. When sufficient information is not received, ES staff must contact the employer to obtain the additional information required.

**401 ACCEPTABLE TYPES OF JOB ORDERS**

This section describes the different types of job orders that ES staff may receive from an employer or may discover in AJC, and the necessary actions staff must take.

**.01 Affirmative Action Orders**

An affirmative action job order targets job seekers who are a member of a specific group that, because of past customs or historical practice, have been discouraged from entering certain occupational fields.

- A. ES staff will accept an oral assurance from the employer that the business is qualified as an affirmative action employer. ES reserves

the right to request written documentation to verify such, when necessary.

- B. ES staff must inform the employer that, while ES can conduct a special applicant search for an affirmative action job order, ES may not accept a job order that requires exclusive referral of a specific group. ES staff may not deny a qualified applicant a referral because the applicant is not a member of the group identified on the affirmative action job order.
- C. ES staff must inform the employer that, according to VPOS, qualified veterans receive preference on all referrals.
- D. ES staff must ensure that selection criteria have a direct relationship to the job duties an employee will perform, and are no more exclusive than necessary.

## **.02 Agricultural Orders**

Agricultural orders recruit applicants for work within agricultural production or agricultural service industries.

ES staff must ensure that wages offered are no less than current wages among similarly employed agricultural workers in the area, or the federal minimum wage or state minimum wage; whichever is higher.

The agricultural order must:

- A. Contain the phrase "local area referral only". If the agricultural order is in connection to an application for foreign labor/migrant seasonal farmworkers (MSFW), please refer the employer to the Foreign Labor Certification (FLC) Unit.
- B. List a farm labor contractor as the employer;
- C. Include the FLC number in the job summary; and
- D. List items the contractor is to provide under their license (e.g., transportation, housing, etc.)

## **.03 Bona Fide Occupational Qualification**

A Bona Fide Occupational Qualification (BFOQ) means that an employment decision or request based on sex, age, national origin, or religion is necessary to the individual's ability to perform the job in question. ES will

accept BFOQ job orders. Since a BFOQ is an exception to the general prohibition against discriminatory job orders, ES staff must take great care when interpreting BFOQs in accordance with Equal Employment Opportunity Commission regulations.

#### **.04 Casual Labor Orders (Spot Jobs or Day Labor)**

Casual labor orders are jobs that are typically less than four days in duration. The job must not require that the applicant possess special training or equipment. When ES staff receive a casual labor job order, staff may either:

- A. Enter the job order into AJC; or
- B. Place the job order into the Business Opportunity Binder (BOB), which each ES office must make available to job seekers.

It is at the discretion of each ES office to determine what their procedures will be for handling casual labor job orders.

#### **.05 Clearance Orders**

A clearance order is a job order that recruits labor from other regions within a state, or from other states, when the existing workforce in the local area is insufficient to meet the employer's labor needs. An Arizona employer might expand their recruitment efforts to another region of the state, or to another state altogether, when local labor is unavailable. Likewise, an employer in another state might recruit from labor pools within Arizona, when their own state lacks sufficient workers to meet their needs.

When out-of-state employers request recruitment assistance for an out-of-state job opening, ES staff must initiate a clearance order. There are two types of clearance orders, agricultural and non-agricultural.

##### **A. Agricultural and Food Processing Clearance Orders**

Federal regulations limit agricultural or food processing job orders, lasting less than a year, to the job seeker's normal commuting area. A local ES office within 25 miles of the worksite listed on the job order must recruit within the local area for job seekers.

When there is a shortage of workers, an employer may request to expand the recruitment area.

1. Intrastate Clearance Order Process - when an Arizona employer with an agricultural or food processing job order requests to broaden the area of recruitment, the first step must be recruitment via an *Intrastate Clearance Order*, which would expand the job order to other local offices within Arizona. ES staff must forward the request to the Business Service Unit (BSU) at [azclearanceorders@azdes.gov](mailto:azclearanceorders@azdes.gov). When the BSU verifies a shortage of workers, the BSU must work with the employer to complete a clearance order package.

a. The clearance order package consists of:

- i. *Agricultural and Food Processing Clearance Order* ([ETA-790](#));
- ii. *Assurances for Intrastate and Interstate Clearance Orders* ([ESA-1297](#));
- iii. *Employer Furnished Housing and Facilities* ([ESA-1302](#));

**Note:** *The BSU must coordinate with the State Monitor Advocate (SMA) to arrange for the completion of required housing inspections at the worksite.*

- iv. *Request for Conditional Access Into the Agricultural Recruitment System* ([ESA-1299](#)), if needed; and
- v. *Agricultural and Food Processing Clearance Memorandum* ([ETA-795](#)), if changes are made to the original job order.

b. Once the clearance order package is complete, the BSU will add the following verbiage to the job order description in AJC:

“In view of the statutorily established basic function of the ES as a no-fee labor exchange, that is, as a forum for bringing together employers and job seekers, neither the ETA nor the SWAs are guarantors of the accuracy or truthfulness of information contained on job

orders submitted by employers. Nor does any job order accepted or recruited upon by the ES constitute a contractual job offer to which the ETA or a SWA is in any way a party.”

- c. The BSU will make a copy of the clearance order package and will send the original to the local office that approved the original job order. Both packages are maintained for a minimum of three years. Any Arizona resident may now apply for the job.
2. Interstate Clearance Order Process - when an Arizona employer, with an intrastate agricultural or food processing job order, requests to broaden the area of recruitment outside of Arizona because there is still a shortage of workers, the next step must be recruitment via an Interstate Clearance Order, which would expand the job order to other states. ES staff must forward the request to the BSU at [azclearanceorders@azdes.gov](mailto:azclearanceorders@azdes.gov). When the BSU verifies a shortage of workers, the BSU will send a copy of the completed clearance order package to the SMA to review. Once reviewed, the SMA will send a copy of the clearance order package to the U.S. Department of Labor (DOL) Employment and Training Administration (ETA) Region 6 Monitor Advocate at:

**Regional Monitor Advocate**

**U.S. DOL/ETA, Region 6**

90 7th Street, Suite 17-300

San Francisco, CA 94103

Phone: (415) 625-7924

FAX: (415) 625-7903

- a. The BSU must document the request for interstate clearance orders in AJC, including:
  - i. *The job order number;*
  - ii. *The method the employer used to submit the request (mail, e-mail, or fax);*
  - iii. *The date the request was submitted; and*



- iv. *Request for Conditional Access Into the Agricultural Recruitment System ([ESA-1299](#)), if needed; and*
  - v. *Agricultural and Food Processing Clearance Memorandum ([ETA-795](#)), if needed.*
- b. When a request to place an agricultural clearance order from another state is received at a local ES office, ES staff must e-mail the request and the clearance order package to the BSU at [azclearanceorders@azdes.gov](mailto:azclearanceorders@azdes.gov).
- c. The BSU must review the information and contact the order-holding state's employment service for clarification when necessary. The BSU will enter the order into AJC, and will include the following verbiage to the job order description:
- “In view of the statutorily established basic function of the ES as a no-fee labor exchange, that is, as a forum for bringing together employers and job seekers, neither the ETA nor the SWAs are guarantors of the accuracy or truthfulness of information contained on job orders submitted by employers. Nor does any job order accepted or recruited upon by the ES constitute a contractual job offer to which the ETA or a SWA is in any way a party”.
- d. When the order is entered into AJC, the BSU must send an e-mail with the clearance order package attached, including the completed *Summary of Employment Conditions ([ESA-1305](#))*, to notify all Arizona ES offices that recruitment for the clearance order may begin.
- e. The BSU will also notify the order-holding state that the job order has been posted. The job order must remain open and active until the halfway point between the job start and end dates.

## B. Non-Agricultural Clearance Orders

When an out-of-state employer requests recruitment assistance, ES staff will enter a non-agricultural clearance order into AJC and will immediately place the clearance order on hold.

1. ES staff must send an e-mail to the BSU at [azclearanceorders@azdes.gov](mailto:azclearanceorders@azdes.gov). This e-mail must:
  - a. Include the clearance order number; and
  - b. Advise the BSU that the clearance order requires review.
2. The BSU will contact the local employment service office, or its equivalent, in the employer's state to:
  - a. Notify them of the employer's request for recruitment assistance in Arizona, and ensure the employer has recruited locally first;
  - b. Verify the employer's Federal Employer Identification Number (FEIN);
  - c. Inquire about the employer's standing;
  - d. Gather information by contacting an employment service office in the employer's state regarding prevailing wages for the occupation in the clearance order; and
  - e. Inquire about applicant availability in the employer's state for the occupation in the clearance order.
3. The BSU must review and ensure the job order contains the required talents, tools, and technologies necessary for the job. The BSU may need to contact the employer directly to complete this step.
4. When there are issues prohibiting the BSU from approving the job order, such as low wages, an incorrect FEIN, or incorrect job requirements, the BSU will contact the employer, providing an opportunity for the employer to make changes to the job order. In situations where the employer has not recruited locally first, the BSU will notify the employer that the

job order cannot be accepted until recruitment efforts have been made in their local area.

5. The BSU will make any necessary corrections to the job order and will enter detailed case notes into AJC, within two business days, that include:
  - a. The name of the staff person, and the city and state of the employment service office, to whom they spoke;
  - b. Verification of the position and of acceptable prevailing wages, as well as the employer's good standing, FEIN, and that a shortage of workers exists in the employer's state; and
  - c. Verification that the job order content is accurate.
6. When the BSU completes these steps, they will remove the job order from hold and send an e-mail to the local employment service office's staff informing them that the job order has been approved for recruitment.
7. When the BSU does not approve a job order within two business days, the job order will be closed and the BSU will enter case notes in AJC stating the reason(s) for disapproval.

#### **.06 Commission-Based Job Orders**

For a commission-based position to be included in a job order, the position must be that of an employee of the employer, as opposed to an independent contractor relationship (see [Sec. 401.09](#)) and the position must be required to perform under the complete control and direction of the employer (e.g., hours of work, operational policies, etc.)

When processing a commission-based job order, ES staff must refer the employer to, and advise them to review, both state and federal Fair Labor Standards Acts (FLSA) requiring employers to meet minimum wage requirements regardless of the employee's commission-based performance. Occasionally, an employer may be exempt from these regulations.

#### **.07 Enterprise Zone Orders**

The Arizona Enterprise Zone (Arizona EZ) is a state program administered by the Arizona Commerce Authority to encourage the creation of quality jobs and capital investment in distressed areas of the state. Arizona EZ certification assists employers in recruiting applicants for a worksite within the Arizona EZ.

The following wording must be included in the summarized job description:

- “Enterprise Zone employer – actively recruiting WIOA and WOTC eligible individuals”; and
- “All qualified applicants will be considered.”

The Arizona EZ is no longer issuing certification; however, employers certified before the program’s termination date, June 30, 2011, retain their Arizona EZ benefits for the duration of their original contract. All contracts will be completed by January 1, 2020.

#### **.08 Federal Contractor Job Listing Orders**

A federal contractor or subcontractor refers to an employer that is performing work paid for by the federal government. Any employers under federal contract or subcontract valued at \$100,000 or more are required to list all job openings with ES. This exception is for executive and top management positions, positions that the company will fill from within the contractor’s organization, and positions that will last less than three days.

#### **.09 Independent Contractor Orders**

ES does not enter independent contractor orders into AJC. Independent contractor job orders are self-employment, which represent business opportunities, rather than employment. Independent contractors are individuals engaged in an independent trade, occupation, profession, or business. They may be in a position to realize a profit or suffer a loss because of their services. Individuals are responsible for paying their own income taxes. One way to distinguish an independent contractor order is if the company issues an IRS Form 1099 to their employees. ES staff must place independent contractor orders in the Business Opportunities Binder (BOB), which each ES office must make available to job seekers.

### **.10 Job Development Orders**

Job development is the process of securing a job interview with an employer for a specific job seeker when no job order currently exists. A job development job order is a job order created specifically after the job seeker has become employed.

ES staff may write a job development job order when all of the conditions listed below are met:

- A. An employer has been contacted to promote the hiring of a specific job seeker;
- B. Arrangements have been made for referral of the job seeker to the employer; and
- C. The employer has verified with ES that the job seeker was hired and has started work.

When these conditions are satisfied, ES staff must write a job order, refer the job seeker, and record the placement in AJC. The job order will show one opening and one referral requested. This is the only type of placement that staff record without a prior job order. A job description for a job development job order is not required. ES staff will write "Job Development" in the description.

### **.11 Mass Recruitment Orders**

A mass recruitment order has multiple openings or job classifications that ES staff enter into AJC to satisfy an employer's need for specialized recruitment services.

- A. When necessary, mass recruitment orders are supplemented by other additional methods aimed at making the community aware of the openings.
- B. For hiring events in an ES office, ES staff may distribute and collect employers' paper applications for job orders in AJC; however, ES staff must return all applications to the employer before the employer leaves the office following the recruitment.
- C. When there are no hiring events occurring in-office, ES staff may distribute and collect employers' paper applications for job orders in

AJC. A member of the Business Service Team must return completed applications to employers at least once per week.

### **.12 Replacement Orders**

A replacement order is a position that an employer may submit when they are replacing a person currently on the job and the employer does not want that employee to know. ES staff must advise job seekers that the job order is replacing a current employee. ES staff must ensure job seekers are conscientious in following the referral instructions and must request that job seekers be tactful and sensitive when contacting the employer. ES staff will mark these orders with the term “Replacement Order” in the referral instructions.

### **.13 Single Point of Contact Orders**

A Single Point of Contact (SPOC) order is an order in which an employer arranges to restrict job seeker contact to a single ES employee or office.

- A. The order will designate an individual ES representative, a unit within a local office, or a local office as the contact entity. The job order’s referral instructions must clearly direct inquiries to the designated contact.
- B. An employer may request that the SPOC conduct recruitment, selection, and referral, or conduct all verification of referrals.
- C. To identify the order as a SPOC order, ES staff must enter “SPOC” in the job summary field.

### **.14 Temporary Help Organization & Private Employment Agency Orders**

ES assists Temporary Help Organizations (THOs) and Private Employment Agencies (PEAs) with recruitment by entering their job orders into AJC after ensuring that the THO or PEA has completed and signed an *Agreement of Cooperation* ([ESA-1304](#)). ES may not enter job orders for a THO or PEA until all parties have completed and signed the agreement, and it has been approved and signed by the ES business manager.

This procedure ensures that an applicant referred to a THO or PEA is not charged a fee, including fees for background checks or drug tests that the

employer requires an applicant to take in order for the employer to consider hiring them.

Staff must file all agreements according to local office procedures. Staff must record confirmation of receiving the signed agreement in AJC.

## **402 UNACCEPTABLE TYPES OF JOB ORDERS**

ES staff must monitor job orders to ensure compliance with state and federal employment laws. Job orders that meet any of the below criteria may not be entered in AJC and may not be recruited for by ES staff.

### **.01 Discriminatory Orders**

A discriminatory order is one that indicates a preference or requirement for workers of a specific race, color, religion, sex, age, national origin, citizenship, or physical or mental status unrelated to job performance.

#### A. Exceptions:

1. A preference for veterans does not constitute a discriminatory job order per VPOS.
2. An order may specify that applicants must be United States citizens when based on a legal requirement of citizenship for workers.
3. When the requirement is a Bona Fide Occupational Qualification (BFOQ), then the order is not discriminatory.

#### B. Discriminatory job titles:

Employers wishing to post a job opening for a trade position must provide an appropriate job title that is not gender-specific.

For example, an electrician or plumber position requiring an experience level that is between that of an Apprentice and an Expert (traditionally referred to as a "Journeyman" position) must instead be titled "Journey-level". However, to ensure that job seekers who might be more familiar with, and might perform a job search using the more traditional terminology, the recognized titles must still be included in the job description for these positions. This requirement applies to ALL job orders for Journey-Level positions being posted in AJC,

whether via a staff-assisted job order or a self-service job order awaiting Employer Access Rights review.

C. When a discriminatory job order is received or discovered, ES staff must:

1. Advise the employer that the Civil Rights Act of 1964, Arizona Civil Rights Law, Age Discrimination in Employment Act, Americans with Disabilities Act (ADA), WIOA Sec. 188 and 29 CFR Part 37, and ES policy prohibit selection and referral of applicants based on discriminatory specifications. ES staff must attempt to persuade the employer to withdraw the discriminatory specifications and evaluate applicants based solely on their ability to perform the job.
2. ES staff must inform his or her supervisor. The supervisor must follow-up to determine whether there is reason to believe the employer is discriminating in hiring practices. When the employer withdraws the discriminatory specification, ES staff may accept the job order.
3. When the employer refuses to withdraw the discriminatory specification, ES staff must advise the employer that ES cannot make referrals on any order placed by that employer until they remove the discriminatory specification. The ES supervisor will begin the discontinuation of services process. The ES supervisor must notify staff that ES must not provide any services to the employer until the employer provides assurance that the discriminatory requirement has been removed.

## **.02 Labor Dispute Orders**

ES staff may not refer job seekers to a job order that will aid, directly or indirectly, in filling positions that are vacant because the former occupant (employee) has been locked out in the course of a labor dispute involving a work stoppage or strike.

A. When an employer submits a job order for a position not involved in the labor dispute, the job order must clearly state the following:

1. The position is with a company involved in a labor dispute;

2. The position is NOT part of the dispute; and
  3. The person hired will not replace an employee who is part of the labor dispute.
- B. When an employer submits a job order and is reportedly involved in a labor dispute involving a work stoppage or strike, ES staff will notify the BSU. The BSU will:
1. Verify the existence of the labor dispute and determine its significance with respect to positions the employer is requesting to fill in the job order; and
  2. Notify all potentially affected staff concerning the labor dispute.
- C. ES must resume full referral services when they have verified with the employer and workers' representative(s) that they have resolved the labor dispute.
- D. The BSU must notify the US DOL regional office, in writing, of the existence of labor disputes which:
1. Result in a work stoppage at an establishment involving a significant number of workers; or
  2. Involve multi-establishment employers with other establishments outside the reporting state.

### **.03 Labor Organization Orders**

ES may not accept job orders requiring membership in a union (labor organization) as a condition of employment, as it is a violation of Arizona law. ES staff must inform labor organization representatives that union membership must not be a prerequisite or requirement for a job.

- A. ES can only accept job orders when union membership is not required. This includes out-of-state job orders where the job is located in a state that may require union membership. In this case the following is also required:
1. The labor organization has specific openings with the employer, which corresponds with the openings on the job order;

2. The specifications on the job order correspond to the employer's requirements for filling the position(s); and
  3. The information on the job order is adequate for the selection and referral of qualified applicants.
- B. Valid job orders must contain complete employer identifying information, even though the applicants may have to apply at a union hiring hall. ES staff must inform the labor organization representative that the employer, not the labor organization, completes the verification of job order results.

#### **.04 Substandard Orders**

A substandard order is one that specifies terms of employment or working conditions, including wages and hours, below federal legal requirements or community standards, for the type of work offered. ES does not recruit applicants for substandard orders, nor are these orders entered into AJC. ES staff must provide LMI regarding the position to the employer and explain that because of the job's substandard conditions, ES cannot assist with the recruitment. When the employer agrees to amend the job order so that it is not substandard, ES staff may enter the job order into AJC.

### **403 FOREIGN LABOR**

The US DOL Office of Foreign Labor Certification (OFLC) ensures that the admission of foreign workers in the U.S. will not harm the employment opportunities, wages, or working conditions of U.S. workers. Arizona's Foreign Labor Certification (FLC) Program acts as an agent for the US DOL. This section discusses the purpose of both H-2A and H-2B certification requests, and explains how ES staff will handle employer requests to recruit non-immigrant foreign workers.

#### **.01 H-2A Job Orders**

Agricultural employers request H-2A certification when they need to hire temporary foreign labor. Workers receive a visa for seasonal jobs (lasting less than one year) in which a particular growing season affects the duration of the job. Employers must show a lack of U.S. workers willing or able to fill

the positions, and are responsible for verifying a potential employee's eligibility.

Only the FLC unit may write and process H-2A job orders. ES staff must refer all agricultural employers interested in the recruitment of foreign labor to the FLC Unit:

**State FLC Coordinator**

Arizona Foreign Labor Certification (FLC)  
Arizona Department of Economic Security  
4000 N. Central Ave.  
Phoenix, AZ 85012  
Phone: (602) 542-2484  
Fax: (602) 256-1366  
E-mail: [H2A@azdes.gov](mailto:H2A@azdes.gov) (H-2A certification issues only)

**Note:** Job seekers should never be referred to the FLC Unit. This unit works strictly with employers.

**.02 H-2B Job Orders**

Non-agricultural employers request H-2B certification when they need to hire temporary foreign labor. As with H-2A certification, the employer must show a lack of U.S. workers that are willing or able to fill the positions.

Only the FLC unit may write and process H-2B job orders. ES staff must refer all non-agricultural employers interested in the recruitment of foreign labor to the FLC Unit:

**State FLC Coordinator**

Arizona Foreign Labor Certification (FLC)  
Arizona Department of Economic Security  
4000 N. Central Ave.  
Phoenix, AZ 85012  
Phone: (602) 542-2484  
Fax: (602) 256-1366  
E-mail: [H2B@azdes.gov](mailto:H2B@azdes.gov) (H-2B certification issues only)

**Note:** Job seekers should never be referred to the FLC Unit. This unit works strictly with employers.

ARIZONA DEPARTMENT OF ECONOMIC SECURITY



EMPLOYMENT SERVICE  
POLICY MANUAL

PROGRAM INSTRUCTIONS:  
SECTION 500

SUBJECT: COMPLAINTS AND DISCONTINUATION OF SERVICE

**500 COMPLAINTS AND DISCONTINUATION OF SERVICE**

In accordance with 20 CFR 658.410, the Reemployment Assistance Administration (RAA) is required to establish and maintain a uniform system for accepting, investigating, resolving, and referring complaints and apparent violations through the ES program. This system is referred to as the ES Complaint System.

This section provides policy and guidance specific to the ES Complaint System. There are three types of complaints handled by this system:

- A. **ES related complaints** - Complaints against an ES-related employer or the ES program, filed within 24 months of the alleged offense.
- B. **Non-ES related complaints** - Complaints against:
  - 1. An ES related employer or the ES program, when filed more than 24 months after the alleged offense occurred; or
  - 2. An employer or an entity/agency that is unrelated to any services provided through the Arizona@Work Job Center.
- C. **MSFW complaints** - Complaints filed by a migrant farm worker, a seasonal farm worker, or a migrant food processing worker against:
  - 1. An ES related employer or the ES program, when ES referred the complainant to the employer and the complaint was filed within 24 Months of the alleged offense; or
  - 2. An employer or an entity/agency that is unrelated to any services provided through the ARIZONA@WORK Job Center.

Complaints against the UIA, WIOA, and complaints from veterans are handled in accordance with their respective regulations.

**501 DISTRIBUTION OF RESPONSIBILITIES**

The RAA has overall responsibility for the operation of the ES Complaint System. The RAA will ensure that information pertaining to the use of the ES Complaint System is publicized by prominently displaying DOL ETA approved Complaint System Posters in each local, satellite and district office.

At the local level, the ES Supervisor is responsible for the day-to-day management of the complaint system. The ES Supervisor may identify a designee, referred to as a “complaint specialist”, to handle and investigate complaints in the local office. The ES Supervisor must ensure a complaint specialist is available during normal business hours to take complaints and to explain how the complaint system works.

The SMA is the official complaint specialist for ADES and is responsible for:

- A. Maintaining and monitoring the complaint process and a central complaint log;
- B. Determining the outcome of MSFW complaints;
- C. Notifying complainants of outcomes; and
- D. Handling any necessary referrals.

## **502 ES RELATED COMPLAINTS**

ES related complaints must be reported within 24 months of the alleged offense, otherwise the complaint will be treated as a Non-ES related complaint. ES related complaints involve complaints against an ES-related employer or ES itself. ES staff will work with both individuals and employers to gain complaint resolution. Informal resolution is the preferred method.

### **.01 Employer Related Complaints**

A complaint against an employer who uses the ARIZONA@WORK system is an ES related complaint when:

- A. The job seeker was referred to a specific job by the ARIZONA@WORK Job Center;
- B. The complaint involves a specific job to which the individual was referred;
- C. The complaint alleges that the employer violated the terms and conditions of the job order or other employment-related law;
- D. The complaint is filed within 24 months of the alleged offense.

### **.02 ES Related Complaints**

An ES related complaint is a complaint alleging that ARIZONA@WORK Job Center and/or ES staff, through actions or omissions, violated Wagner-Peyser regulations.

### **503 RECEIVING ES RELATED COMPLAINTS**

The local office is often the initial point of contact in the complaint process. Complaints are often received during field checks and outreach activities as well. Complainants may call, write or e-mail to file a complaint; however, official complaints must be submitted in writing and must include the complainant's signature.

#### **.01 In-Person**

When an individual files a complaint in-person, the complaint specialist must:

- A. Explain the ES Complaint System;
- B. Determine the type of complaint;
- C. Direct the complainant to complete the *Complaint/Apparent Violation Form* ([ETA-8429](#)); and
- D. Log the complaint on the *Employment Service Complaint System Log* ([ESA-1308A](#)).

#### **.02 Mail**

When a complaint is received by mail, the *Complaint/Apparent Violation Form* ([ETA-8429](#)) is not required if the mailed, written complaint:

- A. Includes the complainant's or the complainant's authorized representative's signature; and
- B. Includes sufficient information to initiate an investigation.

When the letter lacks sufficient information to investigate the complaint quickly, the complaint specialist must request additional information:

- A. Non-MSFW complainants must be allowed 20 business days to respond.
- B. MSFW complainants must be allowed 40 business days to respond.

Letters submitted by an attorney representing the complainant must be accepted in place of a properly completed complaint form, and will be treated as such.

#### **.03 E-mail**

When a complaint is received via e-mail, the *Complaint/Apparent Violation Form* ([ETA-8429](#)) must be sent to the complainant's e-mail address, along with detailed instructions explaining that the form must be completed and returned either in-person or by mail.

#### **.04 Telephone**

When a complaint is received by telephone, the complainant must be directed to file the complaint in-person or by mail using the *Complaint/Apparent Violation Form* ([ETA-8429](#)).

### **504 ES COMPLAINT PROCESS**

All ES related complaints are accepted, designated to the appropriate office, investigated, and resolved when the alleged incident is reported to ES within 24 months of the occurrence. When possible, the complaint specialist will resolve complaints informally within 15 days from when the complaint is received.

#### **.01 Designating Complaints**

When a complaint is received, the complaint specialist must:

- A. Determine the type of complaint (ES, Non-ES, or MSFW); and
- B. Decide who should handle the complaint:
  - The complaint specialist in the employer's local office handles complaints against an employer.
  - The complaint specialist in the local office in question handles complaints against a local office.
  - The SMA handles complaints against the agency.

**Note:** When a customer service complaint is filed, the complaint specialist will follow local office procedures for resolving these types of complaints.

Customer service complaints are not logged and are not forwarded to the SMA.

#### **.02 Creating a Complaint Number**

The complaint specialist will assign a Complaint Number to all complaints. The Complaint Number will be comprised of the following information, separated by dashes, in the following order:

- A. Mail Drop;
- B. Program Year (PY) (four digit);
- C. Current Quarter (two digit);
  - Quarters are determined by the PY. The PY for ES and MSFW begins July 1 of the previous year and ends on June 30 of the specified PY year (e.g., PY 2018 = July 1, 2017-June 30, 2018).
  - The quarters within a program year are:
    - 1st Quarter = July-September
    - 2nd Quarter = October-December
    - 3rd Quarter = January-March
    - 4th Quarter = April-June
- D. Sequential Complaint Number for the year (2+ digits);
  - The Sequential Complaint Number for the year is determined by reviewing the last section of digits (2+) in the previous logged Complaint Number on the *Employment Service Complaint System Log* ([ESA-1308A](#)).

For example:

- Mail Drop **5276** has received a new complaint on May 1, 2018 (**4th quarter**) of **PY 2018**.
- The previous logged Complaint Number on the ESA-1308A (see [Sec. 504.03](#)) ended in 04 (the fourth complaint), making the new complaint the **fifth** complaint received.
- Therefore, the complaint number assigned to the new complaint will be **5276-2018-04-05**.

### .03 Complaint System Log

The *Employment Service Complaint System Log* ([ESA-1308A](#)) is used by all offices to log all complaints received. Each row in the log refers to an individual complaint, and contains a series of fields and checkboxes in which relevant data is input.

When a complaint is initially logged, the first four fields in the row (Complaint Number, Complainant, Respondent and Date Filed) must be completed and the MSFW, Non-ES Related, WP Related or Referred checkbox must be marked. As the complaint progresses toward resolution, additional fields are completed. Appropriate information must be input in all required fields. Terms such as “N/A” or “unknown” are unacceptable.

ES supervisors/complaint specialist’s must maintain and submit a completed log to the SMA on the 5th day of the first month following the end of the quarter. In the event that no complaints have been made in any given quarter, the complaint specialist will still submit a report indicating that there were no complaints.

A separate file must be maintained for each complaint. Staff must record any correspondence between ES and the complainant on the *Complaint/Apparent Violation Fact Sheet* ([ESA-1309A](#)) and keep the fact sheet in the file. All logs and files must be retained for a minimum of three years.

#### **.04 Handling Complaints**

In addition to designating a complaint, creating the Complaint Number, logging the complaint in the *Employment Service Complaint System Log* ([ESA-1308A](#)), investigating complaints, and documenting all correspondence, conversations and activities, the complaint specialist must also:

- A. Assist the complainant with completing the *Complaint/Apparent Violation Form* ([ETA-8429](#)) and provide the complainant a copy of the completed form;
- B. Send a copy of the completed *Complaint Acknowledgement Letter* ([ESA-1314A](#)) to both the complainant and the respondent via certified U.S. Postal Service;
- C. Follow up with a *Request for Additional Information* ([ESA-1311A](#)), via certified U.S. Postal Service, when necessary; and
- D. Provide copies of the complaint file to the SMA.

#### **.05 Complaint Resolution**

Within 20 days, the SMA will make a determination based on the results of the complaint specialist's investigation. Once a determination is made, the SMA will complete a *Notice of Determination* ([ESA-1312A](#)) and will send a copy to both the complainant and the respondent via certified U.S. Postal Service.

Complaints will be considered resolved when one of the following occurs:

- A. The complainant expresses satisfaction with the investigation and outcome;
- B. The complainant fails to elevate the complaint to the next level of review;
- C. The complainant fails to respond within 20 business days;
- D. The complainant exhausts the final level of review (see [Sec. 511](#)); or
- E. The final determination of an enforcement agency is received by the agency.

## **505 DISCONTINUATION OF SERVICES**

ES values its employer customers and strives to assist them in complying with all employment-related laws and ES regulations. However, when an ARIZONA@WORK Job Center, DES, or another authorized enforcement agency determines that an employer has violated Wagner-Peyser administrative regulations or employment-related laws, the Discontinuation of Services process must be initiated.

Throughout the Discontinuation of Services process, ES must make every effort to bring the violating employer into compliance and prevent the actual discontinuation of services. ES staff must thoroughly document all actions taken to assist the employer in this process.

Discontinuation of services should be considered only as a last resort. Only when every effort to bring the violating employer into compliance has been exhausted, and thoroughly documented, may an actual discontinuation of services be initiated.

### **.01 Basis for Discontinuation of Services**

The complaint specialist may initiate procedures for the discontinuation of services to employers who:

- A. Submit, and refuse to alter or withdraw, job orders containing specifications that do not comply with employment-related laws;

- B. Refuse to provide assurances that the jobs offered comply with employment-related laws;
- C. Misrepresent the terms and conditions of employment specified in job orders or fail to comply fully with assurances made in job orders;
- D. Violate any employment-related law, as determined in a final determination by an appropriate enforcement agency and provided to ES by the enforcement agency;
- E. Violate regulations pursuant to 20 CFR 685.416(d)(4);
- F. Refuse to accept qualified workers referred through AJC; and/or
- G. Refuse to cooperate in the conduct of field checks pursuant to 20 CFR 653.503.

ES may discontinue services immediately when the RAA Administrator determines that employer actions identified above would cause substantial harm to a significant number of workers.

When services to an employer that are subject to Federal Contractor Job Listing Requirements are discontinued, the ETA Regional Office must be notified immediately.

For employers who are alleged to have not complied with the terms of the temporary labor certification, the RAA Administrator must notify the ETA Regional Administrator of the alleged non-compliance for investigation and consideration of ineligibility for subsequent temporary labor certification (20 CFR 655.210).

## **.02 Notification to Employers**

When the complaint specialist becomes aware of any of the employer actions listed in 505.01, he or she must notify the SMA by completing the *Discontinuation of Services to an Employer* form ([ESA-1310A](#)) in its entirety.

Upon approval by the Program Administrator or designee, the SMA will then complete and send the *Discontinuation of Services Letter* ([ESA-1313A](#)) to the employer, specifying:

- A. The reason for the discontinuation of services, including specific information on the job order, employee, or event in question;
- B. What the employer must do to avoid the discontinuation of services; and

C. That a response from the employer is required within 20 business days.

The reasons for discontinuation and employer’s response options, to be included in the *Discontinuation of Services Letter* ([ESA-1313A](#)), are listed in the following table:

<b>Discontinuation Letter Specifications &amp; Employer Response Options, Per Discontinuation Reason</b>	
<i>Discontinuation Letter Details</i>	<i>Employer's Response to Discontinuation Letter</i>
<b>The job order does not comply with employment related laws</b>	
<ul style="list-style-type: none"> <li>• The job order in question;</li> <li>• The date the job order was submitted; and</li> <li>• Details indicating what is not in compliance.</li> </ul>	<ul style="list-style-type: none"> <li>• Allow discontinuation of services by failing to respond; or</li> <li>• Request a hearing, and:                             <ul style="list-style-type: none"> <li>○ Provide evidence that the job order is in compliance;</li> <li>○ Submit an amended and fully compliant job order; or</li> <li>○ Assure ES that all future job orders will be in compliance when the job order is no longer available in AJC.</li> </ul> </li> </ul>
<b>The employer is found to have misrepresented the terms or conditions of employment, or has failed to comply fully with assurances made in job orders</b>	
<ul style="list-style-type: none"> <li>• The original job order information;</li> <li>• The date the employee was referred;</li> <li>• The terms or conditions that were not met; and/or</li> <li>• The assurances that were not met.</li> </ul>	<ul style="list-style-type: none"> <li>• Allow discontinuation of services by failing to respond; or</li> <li>• Request a hearing, and:                             <ul style="list-style-type: none"> <li>○ Provide evidence that all terms conditions and/or assurances have been met; or</li> <li>○ Provide satisfactory resolution to the complaint and assure ES that all future terms, conditions, and assurances will be accurately represented and maintained.</li> </ul> </li> </ul>

<b>A final determination has found that the employer violated employment related laws</b>	
<ul style="list-style-type: none"> <li>• Details of the specific violation(s), as presented in the final determination.</li> </ul>	<ul style="list-style-type: none"> <li>• Allow discontinuation of services by failing to respond; or</li> <li>• Request a hearing, and: <ul style="list-style-type: none"> <li>○ Provide evidence that the ruling has been reversed; or</li> <li>○ Provide evidence that restitution has been made and assure ES that such violations will not occur in the future.</li> </ul> </li> </ul>
<b>The employer has been found to have violated ES regulations, pursuant to 20 CFR 658.416(d)(4)</b>	
<ul style="list-style-type: none"> <li>• Details of the specific violation(s).</li> </ul>	<ul style="list-style-type: none"> <li>• Allow discontinuation of services by failing to respond; or</li> <li>• Request a hearing, and: <ul style="list-style-type: none"> <li>○ Provide evidence that there was no violation; or</li> <li>○ Provide evidence that restitution has been made, or that remedial action has been taken, and assure ES that such violations will not occur in the future.</li> </ul> </li> </ul>
<b>The employer refuses to accept qualified workers referred through the LE system</b>	
<ul style="list-style-type: none"> <li>• The qualified worker that was refused;</li> <li>• The basis of the worker's qualification; and</li> <li>• The date of refusal.</li> </ul>	<ul style="list-style-type: none"> <li>• Allow discontinuation of services by failing to respond; or</li> <li>• Request a hearing, and: <ul style="list-style-type: none"> <li>○ Provide evidence that the worker was not available or was not qualified; or</li> <li>○ Provide evidence that the worker was accepted, and assure ES that future qualified workers will be accepted.</li> </ul> </li> </ul>
<b>The employer refuses to cooperate in field checks conducted, pursuant to 20 CFR 653.503</b>	
<ul style="list-style-type: none"> <li>• The date of</li> </ul>	<ul style="list-style-type: none"> <li>• Allow discontinuation of services by failing to</li> </ul>

occurrence.	respond; or <ul style="list-style-type: none"> <li>• Request a hearing, and:             <ul style="list-style-type: none"> <li>○ Provide evidence of cooperation; or</li> <li>○ Provide immediate cooperation and assure ES that cooperation will occur in all future field checks.</li> </ul> </li> </ul>
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### **.03 Reinstatement of Services**

The RAA Administrator may reinstate services to an employer after the discontinuation of services has occurred when ES is ordered to do so by a Federal Administrative Law Judge, an ETA Regional Administrator, or a State Hearing Officer, or when the employer provides adequate evidence that:

- A. Any policies, procedures, or conditions responsible for the previous discontinuation of services have been corrected;
- B. That the same or similar difficulties are not likely to occur in the future; and
- C. That he or she has responded satisfactorily to any findings, including restitution to the complainant and the payment of any fines, which were the basis of the discontinuation of services.

The RAA Administrator will notify the employer of the reinstatement determination within 20 business days of receiving the written request from the employer.

When the RAA Administrator denies the request for reinstatement, the basis for the denial must be specified and the RAA Administrator must notify the employer of their hearing date/time within 20 business days.

## **506 NON-ES RELATED COMPLAINTS**

Non-ES related complaints are complaints directed towards an employer or agency that is unrelated to any services provided through an ARIZONA@WORK Job Center. Non-ES complaints typically involve an alleged violation of employment-related law and are referred to the appropriate labor enforcement agency by the complaint specialist or the SMA.

### **.01 Complaints Involving a Federal Contractor Employer**

Eligible veterans who are either federal contract employees or federal contract applicants may file a written complaint alleging a violation of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, (VEVRAA), per 41 CFR Part 60-300.61. Complaints must be filed with a Local Veterans' Employment Representative (LVER) within 300 days of the alleged violation, unless the Office of Federal Contract Compliance Programs (OFCCP) extends this filing period.

When a complaint is filed in a local ES office, the LVER must assist the veteran in preparing the complaint and must forward it to the OFCCP immediately. The LVER will record all complaints on the *Employment Service Complaint System Log* ([ESA-1308A](#)).

The complaint must contain the signature of the complainant or his or her authorized representative, and it must include the following information:

- A. The name, address, and telephone number of the complainant.
- B. The name, address, and telephone number of the federal contractor employer who committed the alleged violation.
- C. Proof of disabled veteran, veteran of the Vietnam era, recently separated veteran, or other protected veteran status. Documentation must include:
  1. *Veterans' Form DD-214*;
  2. *Copy of Benefits Award Letter, where applicable. This letter must have been updated within one year prior to the date the complaint is filed, and must indicate the veteran's percentage of disability and whether the veteran has been determined by the Department of Veterans Affairs to have a serious employment handicap under 38 U.S.C. 3106*;
  3. *Other similar Department of Veterans Affairs certifications will also be accepted*;
  4. *A description of the act(s) considered to be a violation, including the dates they occurred; and*
  5. *Any other relevant information that will assist in the investigation and resolution of the complaint, including the name of any known Federal agency with which the employer has contracted.*

## .02 Complaints Involving Out-of-State Employment Service Agencies and/or Employers

When a person files a complaint concerning an out-of-state ES agency or an out-of-state employer, the complaint specialist must ensure that *Complaint/Apparent Violation Form* ([ETA-8429](#)) is completed in its entirety. The complaint specialist will create a packet, consisting of:

- A. The completed *Complaint/Apparent Violation Form* ([ETA-8429](#));
- B. The completed *Referral of Complaint Letter* ([ESA-1315A](#)); and
- C. Any other accompanying documentation.

The complaint specialist will send a copy of the packet to each of the following:

- A. The out-of-state ES agency;
- B. The complainant;
- C. The SMA; and
- D. The ETA Regional Office with jurisdiction over the state agencies transferring and receiving the complaint.

**Note:** When the transferring and receiving state agencies are under the jurisdiction of different ETA Regional Offices, a copy of the packet will be sent to each.

The out-of-state ES agency whom the complaint has been filed against will handle the complaint as if it had been initially filed with that office. The ETA Regional Office with jurisdiction over the receiving state is responsible for follow-up.

When an ES complaint is against more than one state ES agency, the complaint must clarify which states are involved. Complaints against more than one state will be handled separately.

## .03 Follow-up

The SMA must follow-up on a quarterly basis regarding all complaints that have been referred to an enforcement agency. The SMA will inform the complainant of the findings.

**Note:** Notification of follow-up on a complaint that has been referred may be conducted via telephone. The SMA must document the date the follow-up occurred, including the information that was shared, and record this information on the *Complaint/Apparent Violation Fact Sheet* ([ESA-1309A](#)).

## **507 MSFW COMPLAINTS**

MSFW complaints are handled like all other complaints. It is important to review all complaints to ensure that they are routed correctly.

When a MSFW is not registered in AJC, staff must complete a full registration to include a detailed work history and to indicate that the individual is a MSFW.

### **.01 Handling MSFW Complaints**

MSFW complaints filed in a local ES office must be received in writing by the complaint specialist. The complaint specialist must:

- A. Ensure that the *Complaint/Apparent Violation Form* ([ETA-8429](#)) is completed in its entirety and signed by the complainant;
- B. Ensure that a copy of the *Complaint Acknowledgement Letter* ([ESA-1314A](#)) is provided to both the MSFW and the respondent. Records will be maintained as described in [Sec. 510](#).

**Note:** In addition to taking the complaint, the complaint specialist must also offer the MSFW additional ES services, such as job referrals, training, or referrals to supportive services.

- C. Refer the complaint to the appropriate enforcement agency, using the *Referral of Complaint Letter* ([ESA-1315A](#)) for resolution. A copy will also be provided to the SMA, who must follow-up with the enforcement agency as described in [Sec. 506.03](#).
- D. Attempt to resolve MSFW complaints that are ES-related informally, at the local office level. The complaint specialist has five days to achieve an informal resolution.
- E. Ensure that any ES-related complaint, in which an informal complaint resolution is not successful, is referred to MSFW Outreach staff. MSFW Outreach staff will investigate the complaint by conducting a field check using the *Report of Apparent Violations and Field Check Violations* ([ESA-1316A](#)). MSFW Outreach staff will conduct interviews as needed with the

complainant, employer, and any other person(s) relevant to achieving an outcome.

When further information is needed, the complaint specialist may send a *Request for Additional Information* ([ESA-1311A](#)), via certified U.S. Postal Service, or obtain the information through outreach contact. The MSFW has 40 business days to respond to each additional request for information.

- F. Log all MSFW complaints on the *Employment Service Complaint System Log* ([ESA-1308A](#)), and provide the SMA with a copy of the case file.

## **.02 MSFW Complaint Resolution**

The process for the resolution and closure of MSFW complaints is identical to the process for ES-related complaints (see [Sec. 504](#)). In the event that a MSFW complaint is referred to another agency, the SMA is responsible for following up on the complaint referral.

## **508 APPARENT VIOLATIONS**

An apparent violation occurs when any ES staff observes, has reason to believe, or is in receipt of information regarding a suspected violation of employment-related laws or Wagner-Peyser regulations by an employer. Documentation of the suspected violation can be as simple as a memorandum describing the suspected violation.

- A. When the employer has placed a job order with ES in the past 24 months, the complaint specialist must attempt to resolve the violation informally.

**Note:** When the employer has not placed a job order in the past 24 months, the complaint specialist must refer the violation to the appropriate enforcement agency.

- B. Upon notification, the employer will have five business days to remedy the situation. When there is no remedy after the fifth working day, the complaint specialist must send all documentation and a *Discontinuation of Services to an Employer* form ([ESA-1310A](#)) to the SMA to initiate the discontinuation of services process.
- C. The complaint specialist and the State Monitor Advocate must record all apparent violations identified by ES staff on the *Log of Apparent Violations* ([ESA-1317A](#)). The *Log of Apparent Violations* must be completed in its

- entirety for each violation logged. Appropriate information must be input in all required fields. Terms such as “N/A” or “unknown” are unacceptable.
- D. Each violation will be assigned an identification number. The number must be formatted the same as a Complaint Number, as detailed in Sec. [504.02](#).
  - E. Each ES Supervisor must send a copy the *Log of Apparent Violations* ([ESA-1317A](#)) to the SMA by the 5th working day after the end of the quarter for which an apparent violation is logged. When no apparent violations are reported during a particular month, then the ES Supervisor must send an e-mail to the SMA indicating that there were no reported apparent violations.
  - F. The *Log of Apparent Violations* ([ESA-1317A](#)) must be retained for a minimum of three years.

## **509 DISCRIMINATION COMPLAINTS**

All ES-related complaints that are filed with a local office alleging unlawful discrimination must be referred to the Local Workforce Development Area (LWDA) Equal Opportunity (EO) Officer. The complaint specialist will provide the complainant with the *Complaint Information Form* ([DL 1-2014A](#)) and, when requested, will assist the complainant in the completion of the form.

The complaint specialist will also provide the complainant with the appropriate contact information, as indicated on the “EO is the Law” poster.

Staff must refer all discrimination complaints that are non-ES related to the appropriate enforcement agency.

### **.01 Discrimination Complaint Log**

- A. The complaint specialist must record all discrimination complaints received by the office on the *Discrimination Complaint Log* ([ESA-1318A](#))/([ESA-1318B](#)), and ensure that the log is updated on a quarterly basis.

The log will be submitted to the Workforce Region Manager by the 5th day of the month following the end of each quarter. If there have been no complaints,

the complaint specialist must submit a report indicating that there have been no complaints.

Every field of the *Discrimination Complaint Log* ([ESA-1318A](#))/([ESA-1318B](#)) must be completed in its entirety.

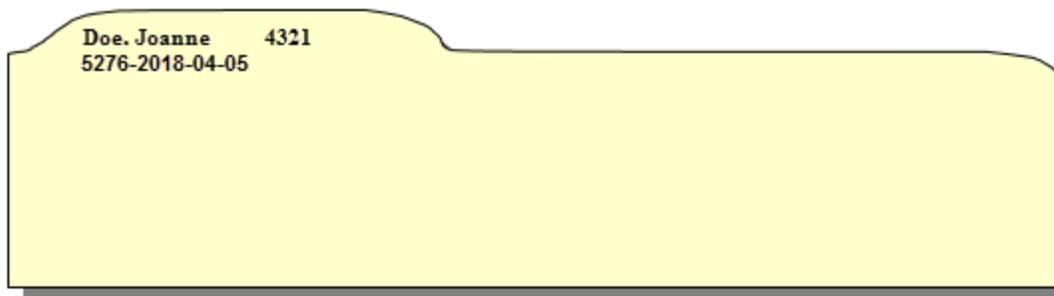
- B. Appropriate information must be input in all required fields. Terms such as “N/A” or “unknown” are unacceptable.
- C. Each Workforce Region Manager will compile all discrimination complaint logs in their region into one complaint log. The Workforce Region Manager will submit the combined complaint log to the State WIOA EO Officer by the 15th day of the month following the end of each quarter. If there have been no complaints, the Workforce Region Manager must submit a report indicating that there have been no complaints.
- D. *Discrimination Complaint Logs* ([ESA-1318A](#))/([ESA-1318B](#)) must be retained for a minimum of three years.

## **510 COMPLAINT FILE MAINTENANCE**

Local ES offices and ARIZONA@WORK Job Centers must maintain a separate folder for each ES complaint and each non-ES complaint from MSFWs. Original copies of all correspondence sent to the complainant must be maintained in each folder. For each folder:

- A. The left side of the folder must contain the *Complaint/Apparent Violation Fact Sheet* ([ESA-1309A](#)) and all correspondence sent or received. The complaint specialist and the SMA must use the *Complaint/Apparent Violation Fact Sheet* ([ESA-1309A](#)) to document all correspondence with the complainant, including telephone calls and e-mails.
- B. The right side of the folder will contain the *Complaint/Apparent Violation Form* ([ETA-8429](#)) and follow-up notes taken throughout the duration of the complaint.
- C. Only factual information must be recorded in the files. ES staff must not record any personal opinions regarding the complainant or the complaint in the file.
- D. Each folder will be identified in the following manner:
  - 1. Last Name, First Name of the complainant
  - 2. Last four digits of the complainant’s Social Security Number

3. Complaint Number (see [Sec. 504.02](#))



## **511 HEARINGS**

A request for a hearing can be made by either a complainant who is not satisfied with the outcome of their complaint or by an employer who has had, or is in danger of having, an ES discontinuation of services. The request must be made in writing within 20 days of receiving a *Notice of Determination* ([ESA-1312A](#)), and must contain the complainant or employer signature.

The hearing will be conducted within 30 days of the request unless all interested parties waive the time limit in writing.

All hearings and appeals are handled by the ADES Office of Appeals. The complaint specialist or SMA responsible for the complaint will be responsible for coordinating hearing activity with the Office of Appeals as the office dictates.

## **512 RELATED AGENCY CONTACTS**

Below is a list of necessary contacts pertaining to Complaints and Discontinuation of Service:

**Regional Administrator**  
**U.S. Department of Labor/ETA**  
90 7th Street, Suite 17-300  
San Francisco, CA 94103  
Phone: (415) 625-2230  
Fax: (415) 625-2235

**U.S. Department of Labor Wage and Hour Division**

230 N. First Avenue, Suite 402  
Phoenix, AZ 85003-1725  
Phone: (866) 487-9243

**U.S. Department of Labor Wage and Hour Division**

Federal Building, Rm 4H  
300 West Congress St. - Box FB-41  
Tucson, Arizona 86701  
Phone: (866) 487-9243

**U.S. Department of Labor - OSHA**

Phoenix Federal Building  
230 N. 1ST Avenue, Suite 202  
Phoenix, AZ 85003  
Phone: (602) 514-7250  
Fax: (602) 514-7251

**Arizona Division of Occupational Safety and Health (ADOSH)**

800 W. Washington Street, 2nd floor  
Phoenix, AZ 85007  
Phone: (602) 542-5795  
Fax: (602) 542-1614

**Arizona Division of Occupational Safety and Health (ADOSH)**

2675 E. Broadway Blvd. #239  
Tucson, AZ 85716  
Phone: (520) 628-5478  
Fax: (520) 322-8008

**Industrial Commission of Arizona**

800 W. Washington Street  
Phoenix AZ 85007  
Phone: (602) 542-4661

**Industrial Commission of Arizona**

2675 E. Broadway Blvd  
Tucson AZ 85716  
Phone: (520) 628-5188

**State FLC Coordinator**

Arizona Foreign Labor Certification (FLC)  
Arizona Department of Economic Security  
4000 N. Central Ave.  
Phoenix, AZ 85012  
Phone: (602) 542-2484  
Fax: (602) 256-1366  
E-mail: [H2A@azdes.gov](mailto:H2A@azdes.gov) / [H2B@azdes.gov](mailto:H2B@azdes.gov)

**State Monitor Advocate**

Arizona Department of Economic Security  
1185 S. Redondo Drive  
Yuma AZ 85350  
Phone: (928) 247 8751

**State WIOA EO Officer**

Office of Equal Opportunity  
P.O. Box 6123  
Mail Drop 51H3  
Phoenix, Arizona 85005-6123  
Phone: (602) 364-3976

E-mail: [WIOAStateEOOfficer@azdes.gov](mailto:WIOAStateEOOfficer@azdes.gov)



<p><b>EMPLOYMENT SERVICE POLICY MANUAL</b></p>	<p><b>PROGRAM INSTRUCTIONS: SECTION 600</b></p>
<p><b>SUBJECT: SELF-APPRAISAL SYSTEM</b></p>	

**600 SELF-APPRAISAL SYSTEM**

ES has a self-appraisal system, in accordance with federal regulations, to measure success in reaching goals and to identify and correct possible deficiencies in performance. The self-appraisal system includes both numerical (quantitative) and non-numerical (qualitative) measures. This chapter covers the various agency self-appraisal methodologies at the local, regional, and state levels, as well as directives for correcting variances that may arise. The RAA Administrator or designee will ensure that the self-appraisal system is implemented statewide.

**601 PURPOSE AND SCOPE**

The *Arizona Unified State Workforce Development Plan* sets workforce development goals for the state over a four-year period. A comparison between planned activity levels, as stated in the State Plan and actual results is what the self-appraisal system is based upon.

The self-appraisal should determine and identify:

- A. The extent to which goals and objectives established in the State Plan are being met;
- B. The quantity and quality of service provided;
- C. Optimum allocation and utilization of staff;
- D. Obstacles to operating effectiveness;
- E. Needed actions and adjustments to the State Plan to improve effectiveness;
- F. Factors contributing to achievement of successful results;
- G. Factors contributing to deficiencies; and
- H. The need for corrective action.

**602 LOCAL OFFICE SELF-APPRAISAL**

Local office responsibilities under the self-appraisal system include a numerical review and a non-numerical review. The numerical review tracks key performance measures. The non-numerical review focuses on compliance with federal requirements and quality of services.

**.01 Numerical Review**

Local office numerical reviews are conducted, at the local office level, on a quarterly basis. A numerical review provides a systematic method for analyzing the data of ES operations in order to determine service level adequacy. The results of this review are further interpreted in terms of non-numerical information in order to gain a more informed perspective on performance.

Performance must be measured against planned service levels as stated in the State Plan. In addition, supplemental measures may be used to determine quality and equity of services. The regional office must receive all numerical review findings.

**.02 Non-Numerical Review**

Non-Numerical reviews are conducted, at the local office level, on an annual basis. A non-numerical review determines compliance with federal regulations and reviews quality of service to employers, job seekers and the community. Each local office ES Supervisor will ensure that local office non-numerical reports are conducted timely and properly.

- A. The appraisal focuses on the non-numerical standards as follows:
1. Appropriateness of services provided to applicants and employers;
  2. Timely delivery of services to applicants and employers;
  3. Staff responsiveness to individual applicant and employer needs;
  4. Thoroughness and accuracy of documents prepared in the course of service delivery; and
  5. Effectiveness of interface with external organizations.

B. Review methods will include:

1. Observation of processes;
2. Review of documents used in service provisions; and
3. Solicitation of input from job seekers, employers and the community.

C. A *Local Office Review Non-Numerical Self Appraisal* is used to assist the local office in determining ES regulation compliance points to consider when using the checklist:

1. Most questions are written so that a “no” response indicates a potential deficiency.
2. Reviewers must comment on all responses indicating a deficiency.
3. Understanding the cause of a deficiency may require further investigation.

Upon completion of the annual non-numerical analysis, local office review findings and corrective action plans for significant negative variances must be elevated to the regional office level.

### **603 REGIONAL OFFICE RESPONSIBILITIES**

Each regional office is responsible for the performance reviews of each of its local offices. The regional office will compile local office numerical reports on a quarterly basis and non-numerical reports on an annual basis. Regional offices will report local office appraisal results to the central office. The final written numerical reports are due by the end of the month following the end of a quarter and non-numerical reports are due July 31 of each year.

Reports should summarize, by local office:

- A. Key strengths and deficiencies
- B. Corrective actions being taken
- C. Regional follow-up plans

**.01 Regional Office Review of Local Office Performance**

The regional office is responsible for conducting periodic reviews of each local office. The reviews will ensure that local offices have received the required technical assistance and have implemented the appropriate corrective actions. Reviews may include the review of documents, records, and/or on-site office reviews.

The review will address the following factors:

**A. Thoroughness**

1. All possible factors contributing to negative variances identified;
2. All possible information sources.

**B. Validity of Findings**

1. Conclusions firmly based on data;
2. Other possible explanations; and
3. What additional analysis is needed?

**C. Duration of Negative Variances**

1. Check previous appraisals for same or similar variances;
2. Determine history of variances.

**D. Effectiveness of Corrective Actions**

1. Identify all deficiencies in the Corrective Action Plans;
2. Corrective actions appropriate and specific to deficiencies;
3. Clearly define responsibility for implementing corrective actions; and
4. Specify timeframes.

**604 CENTRAL OFFICE SELF-APPRAISAL**

The central office is responsible for four basic functions: review of regional performance, numerical appraisal of statewide performance, non-numerical appraisal of central office activities, and review of local office operations.

**.01 Numerical Appraisal of Statewide Performance**

The central office will review statewide numerical performance on a quarterly basis. The quarterly analysis must include measures of those activity levels required for the planning purposes of the State Plan. Performance must be measured against planned service levels of the State Plan.

The appraisal will consist of the following actions:

- A. Comparison of actual activity levels to planned levels;
- B. Identification of negative variances of twenty percent or more; and
- C. Consideration of possible contributing factors to significant variances.

**.02 Non-Numerical Appraisal of Central Office Activities**

The central office is required to conduct annual non-numerical reviews of its activities. Because of these assessments, the central office will identify significant deficiencies and take corrective action as necessary. The reviews will focus on assessing operations for compliance with federal regulations, and assessing progress made on annually established work plans for central office staff.

**.03 Review of Regional Performance**

The central office receives information on local office performance from regional offices on a quarterly basis for numerical performance and annually for non-numerical performance. Analysis of these reports, including information from other sources, should initiate the central office review of local offices experiencing significant deficiencies.

Central office reviews should contain:

- A. Regional Trends
  - 1. Strengths or deficiencies common among offices within a specific region;
  - 2. The degree to which regional support services are responsible for specified strengths and deficiencies;

3. Whether strengths or deficiencies are detected at the regional level; and
  4. Any technical assistance requested of the central office by the regional office.
- B. Trends by Office - Strengths or deficiencies common among offices with one or more shared attributes, e.g. rural or urban locations
- C. Statewide Trends
1. Statewide strengths or deficiencies; and
  2. Recent changes in organization, policies, procedures or other possible contributing factors.
- D. Regional Office Follow-Up
1. Follow-up concerning local office corrective actions; and
  2. Onsite reviews conducted as required.

#### **.04 Onsite Review of Local Office Operations**

The central office must conduct onsite reviews of each local office every four years. The central and regional offices should conduct joint onsite reviews of local offices experiencing problems of a continuing nature. The central office may also elect to review local offices that demonstrate elevated levels of performance. A review of highly performing offices will contribute to an understanding of factors leading to success and may identify high performance techniques, which are transferable to other sites.

Prior preparation will save time and limit disruption at the local office. Assess the need for any materials, reports, etc. and compile the proper documents.

- A. Conducting onsite reviews
1. When more than one staff person is involved in the review, hold a pre-onsite team meeting covering logistical arrangements, results of applicable preliminary analysis, and team member assignments.
  2. Conduct a local-office introductory meeting with the local office manager and any staff the manager wishes to include. The purpose of the introductory meeting is:

- a. Introducing staff,
  - b. Explaining the purpose of the review,
  - c. Explaining the procedures to be followed, and
  - d. Eliciting basic local office information from the local office manager.
- B. Reviewing documents and interviewing local office staff
1. In order to conduct the necessary follow-up in the case of irregularities, the reviewer must complete document reviews before conducting interviews with local office staff members.
  2. The reviewer must summarize the results of document reviews and interviews. Summaries will support those findings presented at the exit meeting and included in the final report.
- C. Prior to the exit meeting, conduct a team debriefing to discuss findings in preparation for an exit meeting. Combine the findings from all sources and draw tentative conclusions on adequacy of services.
- D. Conduct an exit meeting, in a constructive manner, with the local office manager and any staff the manager wishes to include. The exit meeting must meet the following criteria:
1. Discuss all findings; including areas of strength and deficiency.
  2. The reviewer(s) may offer initial recommendations and technical assistance after describing a deficiency.
- E. The reviewer(s) must provide a written report covering all aspects of the review. The report must include:
1. Local office strengths and deficiencies,
  2. The basis for conclusions on the adequacy of services, and
  3. A draft corrective action plan.
- F. The local office will draft a corrective action plan, to be reviewed at the regional and central office levels, as a strategy to remedy deficiencies (see [Sec. 606](#)).
- G. For serious deficiencies, the central office may elect to conduct a follow-up onsite review.

H. The central office may elect another action, such as:

1. Assigning the responsibility for follow-up to the regional office,
2. Conducting a desk review, or
3. Requiring the local office manager to submit a report describing the results of corrective actions.

## **605 VARIANCE ANALYSIS**

Significant variances from planned service levels must be identified and explained. For the purpose of the self-appraisal system, a significant negative performance variance is defined as 20 percent or more. If significant negative variances are identified in any activity, further analysis and justification is required. Several approaches can be used in dealing with any statewide deficiencies identified in this process.

- A. When significant variances have been identified, further data analysis is required for activities falling below the acceptable range in order to identify contributing factors and decide appropriate corrective action. Deficiencies may initiate an in-depth analysis of statewide program activities in a low performance area.
- B. The analysis must include:
  1. Comparisons to past performance;
  2. Attainment of State Plan goals; and
  3. Consideration of non-numerical factors (including economic and environmental factors).
- C. The analysis will enable:
  1. Determination of whether the significant variance from the plan is an isolated problem rather than an indication that a more pervasive problem exists.
  2. Determination of what corrective actions are needed.
  3. Feedback on the accuracy of the operational goals set by various state administrative levels.
  4. Increased planning reliability and effectiveness.

**606 CORRECTIVE ACTION PLANS**

Per 20 CFR 658.601(a)(1)(iv), the local office holds the responsibility for the creation of corrective action plans. The regional and central offices are responsible for the review of such, and for ensuring compliance. The drafting of a corrective action plan addressing any significant negative variance is required. The local and regional offices may request technical assistance in developing a corrective action plan from the central office, if needed. Alternatively, the central office may analyze regional summaries of local office quarterly reviews to ensure that local offices are identifying the same deficiency and are using appropriate means to remedy the problem.

A. Corrective action plans developed to address significant deficiencies must include:

1. The type of action to be taken;
2. The time frame involved;
3. The assignment of responsibility;
4. Provisions for the delivery of technical assistance, as needed; and
5. Timely follow-up to determine if actions taken to correct the deficiencies have been successful.

**Note:** Federal regulations require the formalization of this process when quarterly numerical and annual non-numerical reviews indicate significant deficiencies.

B. Corrective actions may call on the central office to:

1. Clarify operating procedures;
2. Revoke directives that serve as inhibitors of local office performance; and
3. Increase training and technical support efforts.

ARIZONA DEPARTMENT OF ECONOMIC SECURITY



EMPLOYMENT SERVICE  
POLICY MANUAL

PROGRAM INSTRUCTIONS:  
SECTION 700

SUBJECT: ARIZONA ADDRESS CONFIDENTIALITY PROGRAM

**700 ARIZONA ADDRESS CONFIDENTIALITY PROGRAM**

The Arizona Address Confidentiality Program provides survivors of domestic violence, sexual offenses, and stalking a way to prevent abusers and potential abusers from locating them through public records. ACP achieves this by protecting the ACP participant's actual address and by providing them with a "substitute address" for use in all public programs.

The ACP is administered by the Arizona Secretary of State (SOS) and is governed by Arizona Revised Statute, Title 41, Chapter 1, Article 3.

Eligibility for the program is determined by the ACP. Once eligibility is established, the ACP issues the ACP participant an authorization card displaying their substitute address. The ACP participant is responsible for making use of the card.

Arizona law requires all government agencies, including the ES Program, to accept the address as the participant's lawful address and to redact (remove) the client's actual address from any record created up to 90 days prior to the card issuance date. ES staff must never ask an ACP participant to reveal their actual address. It is against the law for staff to intentionally or knowingly disclose an ACP participant's actual address or phone number.

**Note:** Phone numbers may be recorded and used, but must not be disclosed.

The ACP provides two critical services:

- A. A legal substitute mailing address- which may be used as a residential, school, or work address.
- B. A mail forwarding service- the ACP will receive the participant's mail and forward the mail to the participant's actual, confidential mailing address no later than the next business day.

Each authorization card will contain the following:

- The ACP participant's name;
- The ACP substitute address;
- The date of issuance; and
- The date of expiration.

**ARIZONA DEPARTMENT OF ECONOMIC SECURITY**



<b>EMPLOYMENT SERVICE POLICY MANUAL</b>	<b>PROGRAM INSTRUCTIONS: SECTION 800</b>
<b>SUBJECT: REFERENCE TABLE</b>	

**800 REFERENCE TABLE**

This section exists due to the Arizona Department of Economic Security Policy Reduction Initiative of 2016. All ES staff must review and maintain an awareness of applicable federal laws, regulations, and guidance for ES activities.

Required Activity	Applicable Laws		
	Federal Laws	Code of Federal Regulations	U.S. DOL Employment & Training Administration (ETA) Advisories;  Other
Provide labor exchange services as part of the one-stop system	<a href="#">WIOA Section 303 (b)</a>  <a href="#">29 U.S.C. 49b (c) (1)</a>		<a href="#">TEGL 03-15</a>
Required colocation of Employment Service offices and One-Stop Centers	<a href="#">WIOA Section 303 (c)</a>  <a href="#">WIOA Section 121 (e) (3)</a>		
DVOP-related Significant Barrier to Employment Criteria	<a href="#">WIOA Sec. 3(36)</a>  <a href="#">WIOA Sec. 3(38)</a>  <a href="#">38 U.S.C § 4103(A)</a>  <a href="#">38 U.S.C § 4211(1)</a>  <a href="#">38 U.S.C § 4211(3)</a>		<a href="#">VPL 03-14</a>  <a href="#">VPL 03-14, Change 1</a>  <a href="#">VPL 03-14, Change 2</a>

	<a href="#">38 U.S.C § 4211(6)</a> <a href="#">42 U.S.C. 11302(a)</a> <a href="#">42 U.S.C. 11302(b)</a>		
Provide job search and placement services to job seekers and employers		<a href="#">20 CFR 652.3 (a)</a>	
Provide recruitment and special technical services for employers		<a href="#">20 CFR 652.3 (b)</a>	
Facilitate match between job seekers and employers		<a href="#">20 CFR 652.3 (c)</a>	
Provide reemployment services to UI claimants	<a href="#">29 U.S.C. 49b (c) (3)</a>		<a href="#">UIPL 13-15</a> <a href="#">UIPL 03-17</a> <a href="#">UIPL 03-17, Change 1</a>
Participate in clearance activities between states		<a href="#">20 CFR 652.3 (d)</a>	
Meet work test requirements for Unemployment Insurance		<a href="#">20 CFR 652.3 (e)</a>	
Retain job orders and		<a href="#">20 CFR 652.8 (d) (5)</a>	

applications for three years			
Prohibit job seeker referrals to fill vacancies created by a strike		<a href="#">20 CFR 652.9 (a)</a>	
Prohibit job seeker referrals to agencies charging a fee	<a href="#">WIOA Section 194 (5)</a>		
Notify job seekers of strikes or lockouts before job referral	<a href="#">29 U.S.C. 49j</a>	<a href="#">20 CFR 652.9 (b)</a>	
Prohibit discriminatory job orders		<a href="#">20 CFR 653</a>	
Occupational Labor Certification Determinations: Schedule A		<a href="#">20 CFR 656.10</a>	
Occupational Labor Certification Determinations: Schedule B		<a href="#">20 CFR 656.11</a>	
Foreign Labor Certification (FLC) process		<a href="#">20 CFR 656.20-656.25</a>	<a href="#">TEGL 31-05</a> <a href="#">TEGL 16-06, Change 1</a> <a href="#">TEGL 17-06, Change 1</a>

			<a href="#">TEGL 27-06</a> <a href="#">TEGL 32-10</a> <a href="#">TEGL 33-10</a>
Accept Federal Contractor Job Listing (FCJL) job orders on behalf of veterans		<a href="#">41 CFR 60-300.5 (a) (2)</a>	<a href="#">TEN 15-14</a>
Provide registration, counseling, referral to supportive services, job development, etc. for veterans	<a href="#">38 U.S.C. 3117</a>	<a href="#">20 CFR Part 1001.120 (a)</a>	
Implement priority of service for covered persons (veterans and eligible spouses of veterans)		<a href="#">20 CFR Part 1010.110</a> <a href="#">20 CFR Part 1010.200</a> <a href="#">20 CFR Part 1010.210</a> <a href="#">20 CFR Part 1010.220</a> <a href="#">20 CFR Part 1010.230</a>	<a href="#">TEGL 10-09</a> <a href="#">VPL 07-09</a> <a href="#">TEGL 15-10</a>
Properly enroll all homeless veterans into Employment Service			<a href="#">TEGL 4-16</a>
Implement a complaint system		<a href="#">20 CFR 658.410</a>	
Handling of complaints		<a href="#">20 CFR 658.411 (b)</a>	

regarding employment-related law			
Handling of discrimination complaints		<a href="#">20 CFR 658.411 (c)</a>	
Handling of complaints regarding ES regulations		<a href="#">20 CFR 658.411 (d)</a>	
State hearings and decisions of the hearing official		<a href="#">20 CFR 658.417-418</a>	
Apparent violations		<a href="#">20 CFR 658.419</a>	
Basis for discontinuation of services to an employer		<a href="#">20 CFR 658.501</a>	
Notification to employers		<a href="#">20 CFR 658.502</a>	
Discontinuation of services		<a href="#">20 CFR 658.503</a>	
Reinstatement of services		<a href="#">20 CFR 658.504</a>	
Responsibility of ADES to establish and maintain a self-appraisal system for ES operations		<a href="#">20 CFR 658.601</a>	

ES performance measures	<a href="#">WIOA Section 116 (b) (2) (A) (i)</a>		
Arizona Address Confidentiality Program			<a href="#">A.R.S. Title 41, Ch. 1, Article 3</a>