

ADOA HB2571 State Personnel System Exempt Rulemaking Response to Comments

Scope

The Arizona Department of Administration (ADOA) is authorized pursuant to Laws 2012, Second Regular Session, Chapter 321, to adopt rules relating to personnel and personnel administration for both covered and uncovered employees in the State Personnel System. Section 170, paragraph A, exempts ADOA from the rulemaking requirements of A.R.S. Title 41, Chapter 6, until April 30, 2013 for the purpose of implementing the legislation. Although this exemption is provided, ADOA is required to provide at least two opportunities for comment on the rules.

Process

On July 30, 2012, ADOA notified every affected state agency via email that ADOA would be requesting public comments prior to publishing draft rules. ADOA initiated this first opportunity for public comment by filing a Notice of Public Information (NPI), which identified the topics ADOA intended to include in the rules and indicated ADOA was providing an opportunity for public comment. The NPI was published in the *Arizona Administrative Register* on August 3, 2012, and includes the address to the Personnel Reform website where additional information regarding the rulemaking may be found.

On August 17, 2012, ADOA posted draft rules to the Personnel Reform website to provide an opportunity to comment on the draft rules, initiating the second opportunity for public comment. ADOA also posted a fillable comment form which can be submitted electronically or printed, completed with handwritten comments and submitted by mail.

Throughout this process, ADOA is continuing to work with interested parties on the final rules.

Summary of Modifications

Between August 3, 2012 and August 17, 2012, ADOA received an email from a member of the public who cited the NPR in her question, several comments from a single agency and various comments from meetings held with multiple agencies. Although no response to comments is required by HB2571, ADOA is providing this response to clarify the process, and to describe any modifications and/or additions that were made in developing the draft rules based on the comments received during the initial comment period. These modifications and/or additions included the following:

- Definitions were added and modified to further distinguish between a “business day” and an employee’s working day; all rules were reviewed to ensure “working day” was modified to “business day” where applicable

Summary of Modifications (cont'd)

- “Employment of Relatives” rule was modified to include those related by adoption as well as by blood and marriage
- Voluntary grade decrease provision of “Salary Administration” rule allowing an employee approved for a grade decrease to retain his/her current salary was removed
- “Holiday” rule was modified by adding a provision that regardless of the employee’s work schedule, in order for an employee to be eligible for holiday compensation, the employee cannot be on leave without pay on the employee’s work days immediately preceding or following the day on which the holiday is observed
- “Bereavement Leave” rule was modified by adding a provision that the employee must use the leave within 18 months of the family member’s death
- Rules pertaining to Complaints were drafted to: include a specific list of matters applicable to the complaint system; include a requirement that the agency head be notified of any verbal or written complaints of discrimination or harassment reported by an agency employee; provide a streamlined process to expedite the review of complaints; require that an employee request and use the employee’s available leave for preparation of the complaint; include a provision that a covered employee who has filed a grievance that includes an allegation applicable to the complaint system that the allegation would be instead reviewed or investigated under the complaint system; and, a provision for the employee to elevate the complaint to the ADOA Director
- Rules pertaining to Grievances (applicable to only Covered employees) were modified by: specifically identifying matters that could be grieved; streamlining the process by eliminating duplicative steps in the review process; using the term business days instead of working days where applicable; adding a requirement that an employee request and use the employee’s available leave for preparation of the grievance; and, clarifying that the agency head is the final step in the grievance process