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## ***Glossary***

Throughout the handbook, the following terms in boldface are intended to take on the following specific definitions:

**Commission:** Refers to the Arizona Commission for the Deaf and the Hard of Hearing including its Commissioners and staff

**Commissioner:** A person who is appointed by the Governor to sit on the Board of Commissioners of the Arizona Commission for the Deaf and the Hard of Hearing

**Board of Commissioners:** The public body consisting of 14 Commissioners advised by the Executive Director

**Commission Staff:** The staff members of the Arizona Commission for the Deaf and the Hard of Hearing under the supervision of the Executive Director.

**deaf:** "deaf" means those persons who cannot generally understand speech sounds with or without a hearing aid when in optimal listening conditions.

**Deaf:** Those with hearing loss who use American Sign Language and are members of the Deaf Community

**Executive Director:** The Chief Executive Officer of the Arizona Commission for the Deaf and the Hard of Hearing.

**Hard of Hearing:** Those with hearing loss who have intelligible speech and can understand the spoken word with or without auditory amplification.

## ***Board of Commissioners Composition***

Appointing authority:	Governor of Arizona
Term:	Three (3) years (A.R.S. §36-1941) and may be reappointed once.(8b) The governor may remove a commission member for cause.
Compensation:	None except as outlined in the travel reimbursement policy
Number of members:	Fourteen (14) (A.R.S. §36-1941) appointed by the Governor

Of these members:

- Four (4) members shall be Deaf persons
- Four (4) members shall be Hard of Hearing
- One (1) member shall be from the Department of Economic Security
- One (1) member shall be from the Arizona School for the Deaf and the Blind in Tucson or from the Phoenix Day School for the Deaf
- One (1) member shall be a clinical audiologist
- One (1) member shall be a hearing aid dispenser licensed pursuant to Title 36 Chapter 17
- One (1) member shall be from the Arizona Registry of Interpreters for the Deaf
- One (1) member shall be a parent of a deaf person

## ***Commitment to Service***

### **As a Commissioner, I am committed to:**

1. **Serving the needs of people.** The Commission exists to serve the Deaf and the Hard of Hearing and its success is measured in the quality of service delivered to them. The Commission's energy is focused on fulfilling the needs of these people.
2. **Providing budget planning for the Commission.** The Board of Commissioners helps assure the financial integrity of the Commission by approving an annual budget and monitoring finances.
3. **Providing resources and expertise to the Commission.** The Board of Commissioners is asked to serve on the Commission because of their talents, special skills and interests. Commissioners personally provide a great deal of assistance by volunteering their talents and skills; or providing links and encouragement.
4. **Giving time and energy.** By giving time, you are investing in the people the Commission serves. The time given for Commission meetings, committee meetings and special events is critical for the Commission's fulfillment of its Mission Statement.
5. **Respecting the vote.** It is vitally important that the minority viewpoint be given a full hearing. It is equally important that the majority rule prevails, and that each Commissioner in the minority fully supports the decisions once a vote is recorded.
6. **Ensuring the smooth functioning of the Commission, I will:**
  - Attend Commission meetings and organizational functions
  - Leave vested interests in particular programs outside Commission meetings
  - Give full support of skills and resources to the Commission
  - Serve on committees
  - Remain informed about the needs of the Deaf and the Hard of Hearing
  - Strictly adhere to the Commission's bylaws and Commission policies
  - Actively promote the organization through professional contacts
  - Provide the Commission staff with contacts
  - Appear in media and in the public to promote Commission activities
  - Work with the State Legislature to advocate Commission positions

## ***Code of Ethics***

A.R.S. §38-501 through §38-510 concern conflicts of interest of public officers and employees and it is the Board Commission Member continuing responsibility to observe and apply the provisions of these laws. The following policy can help the Board avoid situations that can damage the public's trust in the Commission.

- **Business or professional interests.** Commissioners have outside business and professional interests. Commissioners, however, may not make a profit in any way in their outside employment or business interests from their service on the Commission, either for themselves, relatives or friends. Commissioners shall disclose any conflict of interest involving an issue before the Commission. While they may participate in discussion of the issue, they shall not vote.
- **Gifts, gratuities.** Commissioners will not accept gifts, gratuities, trips, personal property or other items of value from an outside person or organization as an inducement to vote a certain way, do business a certain way, or provide certain services.
- **Personal beliefs.** Commissioners hold a wide range of personal beliefs, values and commitments. These may present a conflict of interest if they prevent a Commissioner from acting for the benefit of the full organization, or from carrying out their responsibilities as a Commissioner. All efforts of Commissioners shall be focused on the mission of the Commission and not on personal goals.
- **Abuse of Commission office.** Commissioners should not abuse their office by using the Commission's staff, services, equipment or property for their personal or family gain. This includes using their position on this Commission to obtain employment at the Commission for themselves, family members or friends.

## ***Confidentiality***

Minutes of and discussions made at an Executive Session are required by law to be kept confidential and shall not be shared with any person outside this meeting room, except to:

- Members of the Commission,
- A person who is the subject of the discussion pursuant to A.R.S. § 38-431(A) (I),
- The Auditor General in connection with an audit authorized by law, and
- The Attorney General

## ***Commissioner Job Description***

Title: Commissioner, Arizona Commission of the Deaf and the Hard of Hearing (ACDHH)

Purpose: To serve the Commission as a voting member, to assist in policy-making, and to monitor the finances, programs and performance of the organization.

### Expected Meeting Attendance:

- Attend all meetings of the Board of Commissioners. Absences should be limited to 4 per three year period of time.
- Attend meetings of committees served.
- Attend Commission retreats, planning sessions, and Commission development workshops
- Attend and participate in special events

### Obligations of the Board of Commissioners:

- Establish policy
- Hire, terminate (if necessary), supervise and annually evaluate the Executive Director
- Help with financial planning and budgeting
- Maintain, update and monitor strategic plans
- Oversee and regulate Interpreter Licensure

### Specific Duties:

- Attend meetings, participate and show commitment to Commission activities
- Be well-informed and prepared for meetings
- Contribute skills, knowledge and experience when appropriate
- Listen respectfully to other viewpoints
- Assume leadership roles in all Commission activities
- Represent the Commission to the public, businesses and the community
- Educate yourself about the needs of the Deaf and the Hard of Hearing people
- Evaluate the Executive Director



# Arizona Commission

for the deaf and the hard of hearing

## Commissioner Self Evaluation

4 = Excellent    3 = Acceptable    2= Need Improvement    1 = Unsatisfactory    0 = Unknown

Question	Yes/No	Rating	Comments / Suggestions
1. Board meetings are conducted in a manner that the purposes are achieved effectively and efficiently.			
2. Board members are punctual to and attend all meetings to conclusion.			
3. The board reviews agenda materials and is prepared for board meetings.			
4. Board members respect the opinion of one another.			
5. Discussions are structured so that all members have an opportunity to contribute to the decision.			
6. Board members have adequate information upon which to base decision.			
7. New board members receive an orientation to rules and responsibilities and agency's mission and policy.			
8. Board members are knowledgeable about community related issues.			
9. Board members participate actively in community affairs.			
10. The board keeps the executive director informed of community contacts.			
11. The board is knowledgeable about the agency's history, values, strengths and weaknesses?			

4 = Excellent    3 = Acceptable    2= Need Improvement    1 = Unsatisfactory    0 = Unknown			
Question	Yes/No	Rating	Comments / Suggestions
13. Board meetings include some education or information time.			
14. The board understands the budget process.			
15. The board gives adequate attention to future planning.			
16. Is the board effective as a team?			
17. How well does the board work with the executive director?			
18. Are board committee meetings productive?			
24. We have a strategic plan that guides our board and staff.			
25. In general, what rating does the board as a whole deserve?			

## ***Duties***

### **All Commissioners**

- Attend regularly scheduled Commission meetings to achieve quorum
- Attend specially scheduled Commission meetings to achieve quorum
- All members give notice 3 weeks in advance if missing a meeting.
- Be aware of the needs of the constituents that you are representing
- Represent your constituency to the best of your ability
- Determine need for committees based on issues to be resolved
- Participate in committees

### **Chair**

- Preside over all Board of Commission meetings, in accordance with Open Meeting Law
- Call meetings; business meetings, town hall meetings, executive sessions, any other special sessions
- Establish agenda for all Board of Commission meetings
- Determine subcommittees; size, possible staffing
- Delegate meeting responsibility to a Commissioner if unable to attend a meeting and Vice Chair's absence is expected
- Allowed to vote as well as make a-motion
- Issue an annual report to the governor
- Maintain communications with all Commissioners
- Maintain communications with the Executive Director
- Oversee evaluation of the Executive Director
- Monitor Commissioner attendance and take bring concerns to the attention of the full board.

### **Vice Chair**

- Participate in Executive Officers meeting to set the agenda
- Coordinates Public Comments section of Board Meetings
- Other duties as assigned by the Chair
- Assume all duties of the Chair in the absence of the Chair
- Assume all duties of the Vice Chair set forth herein and any other policies approved by the Board of Commissioners

### **Secretary**

- Is a member of the Executive Officers
- Reviews Commission Meeting minutes

## **Interpreter Advisory Committee (IAC)**

Persons interested in serving on the IAC shall submit the following documents:

1. Letter of Interest
  - a. Please include a statement of both leadership skills and skills pertaining to working on a team.
  - b. Please include a statement of your understanding of Registry of Interpreters for the Deaf (RID) –National Association of the Deaf (NAD's) Code of Professional Conduct.
2. Bio/Vitae/Resume
  - a. Highlight related experience

Applicant selection process:

- Applicants shall be selected from the applicant pool OR by IAC Chair invitation.
- Applicants will serve on specific cases, not every case.
- Applicants will be selected for to serve on specific cases based on:
  - Experience
  - Knowledge
  - Neutrality

Duties of the IAC:

- Upon the request of Arizona Commission for the Deaf and the Hard of Hearing's (ACDHH) Board of Commissioners, the IAC will be activated.
- The IAC Chair will select persons to sit on specific cases.
- The IAC will meet to discuss the case and possible recommendations to be presented to the Board of Commissioners.
- The IAC will vote on the recommendation made to the Board of Commissioners.
- The IAC Chair will make the proposed recommendation to the Board of Commissioners.
- Once provided with the recommendation from the IAC Chair, the Board of Commissioners will decide to accept and proceed with the recommendation OR decide to proceed with a decision not recommended by the IAC.

## ***Functions of the Board***

The job of a Commission is usually defined as ***policymaker and regulator***. The Commission establishes policies that direct the Commission staff to take a course of action to meet the agency mission. The Commission functions within the parameters of these policies.

The Commission Board observes and evaluates how well the Commission staff, led by the Executive Director, implements Commission policies and carries out the Commission's mission.

## ***Four areas of Commission responsibility***

Within your policy-making role, your four specific areas of responsibility are:

***1. The Commission hires, supervises, evaluates and if necessary, terminates the Executive Director.*** The Commission's first responsibility, and maybe the most important one, is to hire a competent administrator to run the organization by managing all aspects of its day-to-day affairs.

Most Commissioners do not have the time to manage the day-to-day business of the organization. By hiring, and then supporting a professional who keeps things running smoothly, you ensure that the organization is well managed and in a position to fulfill its mission.

***2. The Commission is responsible for the Commission's future.*** Strategic planning and prioritizing goals is a key Commission responsibility. Social, regulatory and economic changes mean that boards must anticipate and plan for what the future will bring.

Once the Board of Commissioners approves a strategic plan for the organization, it should monitor the progress the Executive Director makes toward meeting the plan's goals and objectives. Short-term operational planning is necessary to achieve your plan, and this is the administrator's responsibility.

***3. The Board of Commissioners monitors and evaluates.*** You should monitor the Commission's performance in two key areas: financial health and progress toward the board's strategic, long-range plan. A Board of Commissioners must monitor and evaluate bottom-line results.

***4. The Board of Commissioners serves as an advocate.*** You are in a unique position to advocate. You're not being paid for your service, and you have a higher motive, service to the community at large. This gives you credibility, which is the key to any advocate's success.

As an advocate, you might lobby state and federal lawmakers and funding sources, or communicate your organization's goals to constituents and the community.

## ***Policy-Making: Board of Commissioners Management Decision?***

How do you identify which member of the Commission team should manage an issue, the Commission or the Executive Director?

The issue of personnel management causes more headaches and heartaches in the Commission and Executive Director relationship than any other. It shouldn't be that way, because managing Commission staff is the Executive Director's job.

But if a staff member complains to several Commissioners about being unfairly disciplined, should you get involved?

First, determine if the issue is really a Commission issue or something the Executive Director should handle.

The Board of Commissioners handle issues that:

- Affect the entire organization (The administrator handles issues that affect individuals)
- Dictate what the Commission will do—policy matters (The administrator and staff determine how a policy is implemented)
- Are required by law
- Are requested by the Executive Director.

If it is a policy issue, the Commission should ask the Executive Director to research the issue then make recommendations to the Board of Commissioners. Finally, the Board of Commissioners makes its decision.

## ***Commission Policy***

Commissioners and Commission staff—including the Executive Director—come and go, but Commission policy lasts. A policy manual:

- Provides consistency and fosters stability
- Provides guidance for the Board of Commissioners and the Executive Director
- Legitimize Commission actions
- Allows the Commission to operate efficiently
- Provides the basis for a legal record

# ***Meeting the Board of Commissioner's Financial Responsibilities***

## **Financial Planning**

**1. Set financial policy.** This means that you determine the areas of the Commission spending and prioritize goals. Your policy decisions will be based on the goals set during your planning sessions.

**2. Delegate implementation of financial policies to the Executive Director.** It's the Executive Director's job to make all spending decisions within budget limits.

**3. You monitor financial outcomes.** Boards of Commissioners have always been haunted by financial worries. "Is spending being done appropriately? Will there be money to meet our obligations?"

It's tempting to open up the books and seek answers. But that's not your job. Remember, you monitor results. Instead of trying to monitor every single purchase the Executive Director makes, pay attention to big-picture concerns by asking questions like these:

- Are we on target with our planned expenses and revenues?
- Are we financially solvent?
- Will we have income to meet future expenses?

## **Know the financial figures you need to see**

**1. A basic financial statement.** This should summarize revenues and expenses in a way that provides a good idea of the Commission's financial standing.

**2. Bottom-line figures.** Rather than line-by-line explanations, ask the Executive Director to highlight bottom-line figures in the basic financial statement. Concentrate on total expenditures and revenues.

**3. Historical figures for comparison.** This will put the numbers into context for you. You'll want to review this month's figures and compare them to last month's, as well as the numbers from the same month last year. If the numbers are very different from what the Commission expects, start asking questions.

## ***Strategic Planning & Your Legacy***

The current condition of the Commission depends on how well its previous boards have planned. And the future depends on how well your Commission plans.

To plan for the Commission's future, every Commissioner should ask three planning questions:

- What kind of future are we going to give the Commission?
- How can we plan for a healthy future?
- How can we anticipate problems before they happen?

A plan tells the Executive Director what areas to focus Commission actions on.

1. **Review the Commission's history.** The plan must be consistent with its mission and respect its past actions.
2. **Do a survey to find the Commission's strengths and weaknesses.** In what areas is the Commission doing well? Not so well? Consider issues such as mission, staffing, facilities, programs, public image, and funding.
3. **Assess external conditions and obstacles to success/growth.** Examine current demographics, social or cultural trends, new legislation, new leadership at any level, economic trends, funding patterns, and new developments concerning the Deaf and the Hard of Hearing.
4. **Solicit community input.** Prioritize Commission business through learning what the people want. Give all stakeholders the opportunity to weigh in their opinions as you chart the Commission's strategic direction.

## ***Leaving a legacy***

When you join the Board of Commissioners, you are in a position to make a mark on the Deaf, and Hard of Hearing community.

Your aim should be to leave the Commission in a better position than it was when you started. That is your measure as a Commissioner... the Commission and the public should be the better for your time on the Board of Commissioners.

## ***Why Work with the Executive Director?***

The Executive Director is essential to the Board of Commissioners and should be treated accordingly.

This means the Executive Director should participate in all Commission discussions and activities. The Executive Director, however, is a non-voting member.

**STATE OF ARIZONA  
POSITION DESCRIPTION QUESTIONNAIRE**

Position Number: ADF000001AHO	Official Classification Title <small>(leave blank if new)</small> Executive Director
Working Title: Executive Director	Agency Name: AZ Commission for the Deaf and the Hard of Hearing
Division/Section:	Physical Work Location (Street Address) and Phone #: 1400 W. Washington St., Room 126, Phoenix, AZ 85007
Supervisor's Name, Title, E-mail, Phone # Board Chair	PDQ Prepared by:  Name: _____  Title: _____ DATE _____

**A. Job Summary:**

In two or three sentences, please explain the major purpose of this position.

Recommends strategic goals and policy direction to the board and develops/monitors the annual operating goals/plan. Administers the day to day operation of the Commission and carries out the policies and regulations of the Commission. Develops programs and marketing plans to ensure client services are effectively delivered and that constituents are informed. Acts as spokes person for the Commission with the community and the Legislature.

**B. Supervision:**

Does this position supervise other positions? If so, please check the appropriate boxes below:

- Work Assignment                       Work Review  Performance Appraisal  
 Leave Requests                       Disciplinary Actions               Hiring  
 Other (specify) \_\_\_\_\_  
 Number of Direct Reports:   4       Number of Indirect Reports   12

**C. Major Responsibilities**

What are the primary functions for which this position is accountable? Using action verbs please state what you do and why you do it. (e.g., Writes, prints, and distributes monthly newsletter to keep departmental employees informed.) Please ensure the time spent does not exceed 100%.

**D. Decision Making Authority:**

List primary responsibilities in increments of no less than 5%.	Percent Time Spent (%)
1. Recommends strategic and policy direction. Administers the day to day operations of the Commission and carries out the policies and regulations of the Commission	40
2. Acts a lobbyists for the Commission	25
3. Hires, trains, motivates, evaluates and assigns duties to staff	15
4. Writes and control Commission's annual budget; prepares financial statements and submits financial reports. Has signature authority for all financial documents	10
5. Act as representative and spokesperson for constituents and handles PR responsibilities, such as host of Community View TV show	10
<b>INSERT ADDITIONAL ROWS OR ATTACH ADDITIONAL SHEET AS NEEDED</b>	

Check the box below that best describes this position's involvement in the decision making process (please check one box only):

- Follows written and verbal instructions
- Follows established guidelines
- Interprets policies and procedures
- Participates in the establishment of guidelines and policies
- Acts as final authority to implement guidelines and policies

**E. Problem Solving:**

Check the statement below that best describes the type of problem-solving situations required of this position (please check one box only):

- Identical or similar situations following established routines/instructions
- Diverse procedures in differing situations. Some research within area of expertise is required.
- Variable situations requiring analytical, interpretive, evaluative, and/or constructive thinking within broadly defined policies and objectives.

**F. Knowledge, Skills, Abilities (KSAs):**

What knowledge, skill, and ability must an employee in this position have in order to perform work satisfactorily? (Definitions: Knowledge is described as familiarity with something or possession of information or understanding in the mind. Skill is defined as a developed capability to perform tasks or actions effectively. A skill may be developed in a variety of manual, physical, intellectual, or interpersonal activities. Ability is defined as a natural talent or acquired expertise.)

- Has a Masters degree in deaf education, or counseling, or business administration or any related field and 5 years of experience as an administrator of programs or services directly for deaf and/or hard of hearing
- Management and organizational skills
- Strategic planning and budget process
- Use judgment and diplomacy on sensitive issues
- Possesses knowledge of rules, regulation, policies and procedures that pertain to the Commission and the constituents it serves, and of the Arizona Revised Statutes governing the Commission and the principles and practices of public administration
- Possesses knowledge of Deaf Culture and hard of hearing issues and all methods of communications by people who are deaf, hard of hearing, and deaf blind. Laws affecting persons who have a hearing loss, and about other agencies/services for Deaf and/or Hard of Hearing issues.
- Possesses strong writing, public relations, and public speaking skills
- Competent in general computer applications including but not limited to internet communications
- Leadership – motivates employees to work willingly with high standards
- Communicates effectively to employees, acknowledging good performance and behavior and counseling change in poor performance and behavior
- Ability to meet changing or new situations and needs
- Maintains appearance and personal hygiene appropriate for the job
- Maintains allegiance to the work group, and represents the Commission in a positive and constructive manner.
- Deaf and hard of hearing trends on local, regional and national
- Strong lobbying ability and experience
- Program development and evaluation
- Skilled in use of manual communications, i.e. sign language (ARS 36-1943)

**G. Licenses / Certifications**

Please list any licenses, certificates, degrees, or credentials that are required by law for this position.

N/A

**H. Selective Preferences**

Please list any qualifications that the ideal candidate would portray. These are qualities that are NOT required but are preferred/

**I. Essential Job Functions:**

What are the physical, mental, and environmental requirements for this position? Please check all that apply. For each box checked, please indicate the frequency which is required in this position.

**C** = Continuously (>66%); **F** = Frequently (34-66%);  
**O** = Occasionally (10-33%); **N/A** = Not Applicable.

<b>Physical Demands</b>	<b>Frequency</b>
<input type="checkbox"/> Balancing	N/A
<input type="checkbox"/> Climbing	N/A
<input type="checkbox"/> Crawling	N/A
<input type="checkbox"/> Fine Dexterity	N/A
<input type="checkbox"/> Foot Controls	O
<input type="checkbox"/> Hearing	N/A
<input type="checkbox"/> Kneeling/Crouching/Bending	N/A
<input type="checkbox"/> Manual Dexterity	N/A
<input type="checkbox"/> Lifting/Carrying _____pounds	N/A
<input type="checkbox"/> Pushing/Pulling _____pounds	N/A
<input type="checkbox"/> Reaching	N/A
<input type="checkbox"/> Sitting	O
<input type="checkbox"/> Standing	O
<input type="checkbox"/> Talking	F
<input type="checkbox"/> Twisting	N/A
<input type="checkbox"/> Upper Extremity Repetitive Motion	N/A
<input type="checkbox"/> Seeing	C
<input type="checkbox"/> Walking/Running	
<input type="checkbox"/> Short Distances:           length of distance __N/A__	
<input type="checkbox"/> Long Distances of           length of distance _____	
<input type="checkbox"/> Other (please describe) _____	

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<b>Mental Demands</b>	<b>Frequency</b>
<input type="checkbox"/> Analysis/Reasoning	F
<input type="checkbox"/> Communications Skills (as distinguished from talking)	F
<input type="checkbox"/> Math/Mental Computation	F
<input type="checkbox"/> Reading	F
<input type="checkbox"/> Sustained Mental Activity (e.g. auditing, grant writing, composing reports, problem solving)	F
<input type="checkbox"/> Writing	F
<input type="checkbox"/> Other (please describe) _____	

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**Environmental Demands**

	<b>Frequency</b>
<input type="checkbox"/> Dust	N/A
<input type="checkbox"/> Frequent Task Changes	N/A
<input type="checkbox"/> High Volume Public Contact	N/A
<input type="checkbox"/> Loud Noise	N/A
<input type="checkbox"/> Physical Danger	N/A
<input type="checkbox"/> Tedious/Exacting Work	F
<input type="checkbox"/> Temperature Extremes	N/A
<input type="checkbox"/> Toxic Substances (e.g. solvents, degreasers, herbicides, pesticides, asbestos, printer toner etc.)	N/A

**EMPLOYEE:** This section is to be signed by the incumbent

I have reviewed the contents of the questionnaire, and it accurately describes my job.

\_\_\_\_\_

**Print Name and Sign** **Date**

**SUPERVISOR:** In the space below, please provide any additional information that you believe will contribute to a clearer understanding of the duties performed by this position. Use additional paper if needed.

**Comments**

\_\_\_\_\_

**Print Name and Sign** **Date**

**TO THE AGENCY DIRECTOR OR THE AUTHORIZED REPRESENTATIVE OF THE AGENCY DIRECTOR:**

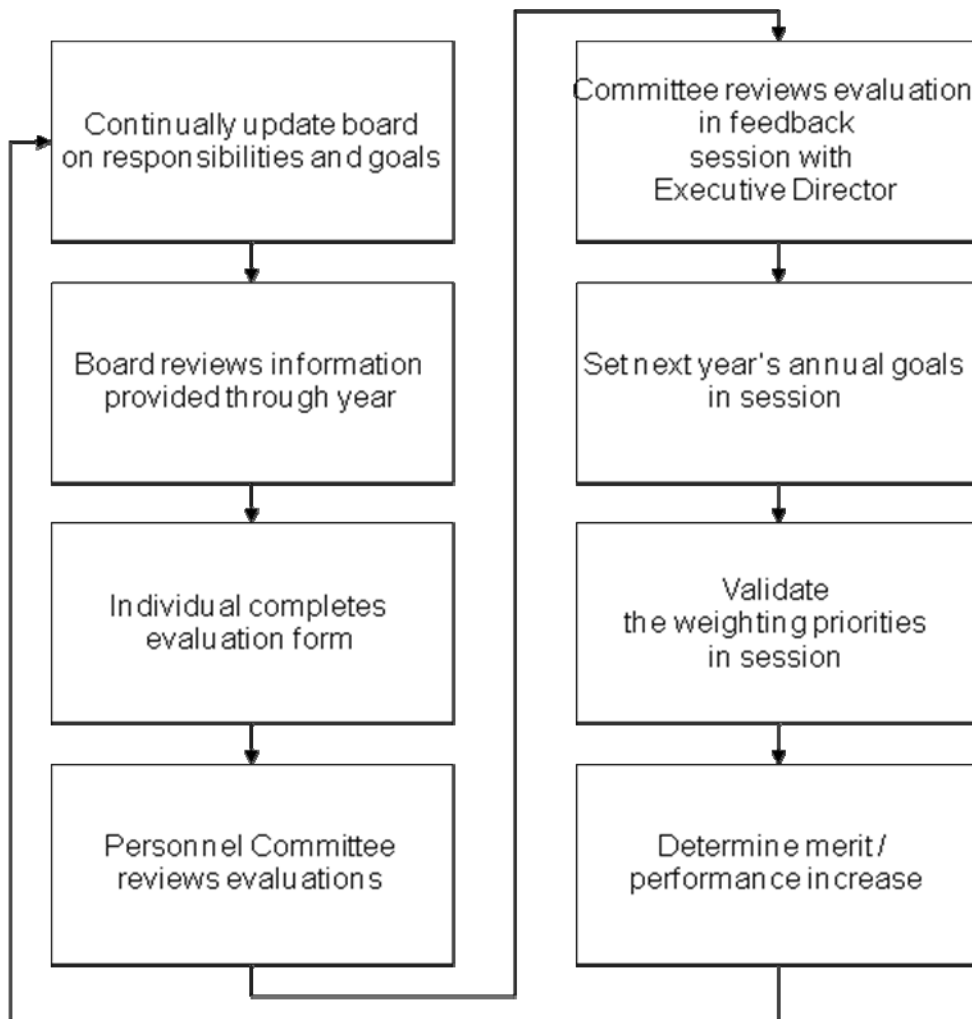
:

I have reviewed the contents of the questionnaire, and it accurately describes this position.

\_\_\_\_\_

**Print Name and Sign** **Date**

**Process Steps**  
**Executive Director / Performance Evaluation**



## PERFORMANCE EVALUATION – EXECUTIVE DIRECTOR

<b>Name:</b> Sherri Collins	<b>Rating Period:</b> 2007 to 2008
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<b>Performance Category:</b> Leadership	<b>Category Weight:</b> 25%
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Rating Scale 4.0=Exceeds Expectations; 3.0=Meets Expectations; 2.0=Below Expectations; 1.0=Unacceptable (To one decimal place.)				
Rating Item	Comments	Weight x Rating = WR		
		W	R	WR
1. Provides vision for the Commission regarding role/programs/potential opportunities to meet constituent needs		20%		0.00
2. Acts as a proactive catalyst by planning, fact gathering and anticipating and preventing problems		15%		0.00
3. Communicates and educates key stakeholders early enough that understanding can be ensured (such as "What is licensing in the first place?", "What are the benefits?")		15%		0.00
4. Adapts to changing priorities/pressures		10%		0.00
5. Establishes a clear vision and values for Commission employees and other key stakeholders		20%		0.00
6. Receives positive feedback regarding perception of leadership effectiveness; models professionalism, personal accountability and ethical conduct.		20%		0.00
<b>TOTAL</b>		<b>100%</b>	<b>0.0</b>	<b>0.00</b>

<b>Category Rating</b>	<b>0.00</b>
------------------------	-------------

<b>PERFORMANCE PLAN</b> Employee acknowledgment: _____	Date: _____
<b>PERFORMANCE APPRAISAL</b> Employee acknowledgment: _____	Date: _____

<b>NAME OF RATER:</b> _____	Signature: _____	Date: _____
Reviewer Approval: _____	Reviewer Title: _____	Date: _____

<b>Rater Overall Comments:</b>
<b>Employee Comments:</b>

<b>Name:</b>	<b>Rating Period:</b> _____ to _____
<b>Performance Category:</b> ADMINISTRATION/MANAGEMENT	<b>Category Weight:</b> 25%

Rating Scale 4.0=Exceeds Expectations; 3.0=Meets Expectations; 2.0=Below Expectations; 1.0=Unacceptable (To one decimal place.)				
Rating Item	Comments	Weight x Rating = WR		
		W	R	WR
1. Administers the annual operating plan advancing the achievement of goals and objectives set forth in statute, licensure and other regulation (i.e. – ARS 36-1944)		20%		0.00
2. Hires, trains, motivates, assigns duties, evaluates and retains staff		20%		0.00
3. Develops and controls Commission's annual budget; prepares financial statements and reports; Makes proper and effective fiscal decisions for the Commission		20%		0.00
4. Establishes standards/process/procedures to monitor licensure and certification requirements as set forth by statute		10%		0.00
5. Develops and reviews programs for the deaf and hard of hearing, making recommendations to and cooperating with various agencies and institutions represented on the Commission or in the State		10%		0.00
6. Effectively and efficiently administers Commission programs and services		10%		
7. Prepares and executes funding strategies		10%		
<b>TOTAL</b>		<b>100%</b>	<b>0.0</b>	<b>0.00</b>

<b>Category Rating</b>	<b>0.00</b>
------------------------	-------------

<b>PERFORMANCE PLAN</b> Employee acknowledgment: _____	Date: _____
<b>PERFORMANCE APPRAISAL</b> Employee acknowledgment: _____	Date: _____

<b>NAME OF RATER:</b> _____	Signature: _____	Date: _____
Reviewer Approval: _____	Reviewer Title: _____	Date: _____

<b>Rater Overall Comments:</b>
<b>Employee Comments:</b>

**Name:** \_\_\_\_\_ **Rating Period:** \_\_\_\_\_ **to** \_\_\_\_\_

**Performance Category:** PUBLIC OUTREACH/RELATIONS **Category Weight:** 15%

Rating Scale 4.0=Exceeds Expectations; 3.0=Meets Expectations; 2.0=Below Expectations; 1.0=Unacceptable (To one decimal place.)				
Rating Item	Comments	Weight x Rating = WR		
		W	R	WR
1. Informs the deaf and hard of hearing of the availability of programs and activities of the Commission.		15%		0.00
2. Provides accurate, up-to-date information and accessibility/responsiveness to constituents and stakeholders.		15%		0.00
3. Represents and acts as spokesperson for the Commission and constituents in a wide range of activities		15%		0.00
4. Continually strives to improve the quality of services provided, ensuring the needs of constituents are met		15%		0.00
5. Educates constituents and key stakeholders on available acoustical technology and auxiliary aids in public places		10%		0.00
6. Establishes partnerships with colleges and universities to provide interpreter and support service provider training and degree programs		10%		0.00
7. Effectively responds to inquiries from the press, Legislature, Governor's Office and members of the public or constituent groups		10%		0.00
8. Ensures effective print, web-based, media and presentation information is provided		10%		
<b>TOTAL</b>		<b>100%</b>	<b>0.0</b>	<b>0.00</b>

**Category Rating** **0.00**

**PERFORMANCE PLAN** Employee acknowledgment: \_\_\_\_\_ Date: \_\_\_\_\_  
**PERFORMANCE APPRAISAL** Employee acknowledgment: \_\_\_\_\_ Date: \_\_\_\_\_

**NAME OF RATER:** \_\_\_\_\_ **Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
**Reviewer Approval:** \_\_\_\_\_ **Reviewer Title:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Rater Overall Comments:**  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Employee Comments:**  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Name:** \_\_\_\_\_ **Rating Period:** \_\_\_\_\_ **to** \_\_\_\_\_

**Performance Category:** **BOARD RELATIONS** **Category Weight:** **15%**

Rating Scale  
 4.0=Exceeds Expectations; 3.0=Meets Expectations;  
 2.0=Below Expectations; 1.0=Unacceptable (To one decimal place.)

Rating Item	Comments	Weight x Rating = WR		
		W	R	WR
1. Cooperates with and supports Board member needs and concerns; works effectively with individual members and Board as a whole.		25%		0.00
2. Effectively lobbies with Legislature on Board's and Commission's behalf		20%		0.00
3. Provides appropriate, insightful and timely information and advice to the Board		25%		0.00
4. Provides support to Board committees		15%		0.00
5. Maintains a positive attitude and contributes to the work of the Board during transition and during periods of stability		15%		0.00
<b>TOTAL</b>		<b>100%</b>	<b>0.0</b>	<b>0.00</b>

**Category Rating** **0.00**

**PERFORMANCE PLAN** Employee acknowledgment: \_\_\_\_\_ Date: \_\_\_\_\_  
**PERFORMANCE APPRAISAL** Employee acknowledgment: \_\_\_\_\_ Date: \_\_\_\_\_

**NAME OF RATER:** \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Reviewer Approval: \_\_\_\_\_ Reviewer Title: \_\_\_\_\_ Date: \_\_\_\_\_

**Rater Overall Comments:**

\_\_\_\_\_

**Employee Comments:**

\_\_\_\_\_

**Name:** \_\_\_\_\_ **Rating Period:** \_\_\_\_\_ **to** \_\_\_\_\_

**Performance Category:** **ANNUAL ORGANIZATION GOALS / OBJECTIVES** **Category Weight:** **20%**

Rating Scale  
4.0=Exceeds Expectations; 3.0=Meets Expectations;  
2.0=Below Expectations; 1.0=Unacceptable (To one decimal place.)

Rating Item	Comments	Weight x Rating = WR		
		W	R	WR
1. To increase public awareness of accessibility issues related to the Deaf, Hard of Hearing, Deaf/Blind and persons with speech difficulties		25%		0.00
2. To increase the number of public and private sector partnerships in providing training and program services		10%		0.00
3. To prepare present and future American Sign Language instructors for national-level standards and certification		10%		0.00
4. To improve interpreter support services		15%		0.00
5. To improve public relations on issues related to hearing loss		10%		0.00
6. To monitor telecommunications relay services to ensure compliance with current contract		15%		0.00
7. To administer voucher system of the Telecommunications Equipment Distribution Program		15%		0.00
<b>TOTAL</b>		<b>100%</b>	<b>0.0</b>	<b>0.00</b>

**Category Rating** **0.00**

**PERFORMANCE PLAN** Employee acknowledgment: \_\_\_\_\_ Date: \_\_\_\_\_  
**PERFORMANCE APPRAISAL** Employee acknowledgment: \_\_\_\_\_ Date: \_\_\_\_\_

**NAME OF RATER:** \_\_\_\_\_ **Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
 Reviewer Approval: \_\_\_\_\_ **Reviewer Title:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Rater Overall Comments:**  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Employee Comments:**  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**QUANTITATIVE SUMMARY OF PERFORMANCE EVALUATION RATINGS**

**Position Name: Executive Director**

<b>SUMMARY OF SCORE</b>	<b>Rating</b>	<b>Percent Value</b>	<b>TOTAL SCORE</b>
<b>Category Ratings</b>	<b>1 – 4 with 4 being the highest</b>	<b>0-100%</b>	
<b>1 Leadership</b>		<b>25%</b>	
<b>2 Administration/Management</b>		<b>25%</b>	
<b>3 Public Outreach/Relations</b>		<b>15%</b>	
<b>4 Board Relations</b>		<b>15%</b>	
<b>5 Annual Organization Goals</b>		<b>20%</b>	
<b>OVERALL RATING</b>		<b>100%</b>	

4 =Exceeds Expectations; 3 =Meets Expectations; 2 =Below Expectations; 1=Unacceptable

Recommend Merit Increase?

Yes \_\_\_\_\_

No \_\_\_\_\_

Percent \_\_\_\_\_

Other Recognition?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Evaluator's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

## ***Expectations from Both Sides***

What should the Executive Director expect of Commissioners?

- Open and honest communication
- Provide counsel, advice, expertise, and insight into the local community
- Delegate responsibility for the implementation of policies to the Executive Director
- Refrain from managing administrative functions
- Understand Commission staff responsibilities
- Respect Commission's staff hierarchy
- Support the Executive Director
- Evaluate the Executive Director's performance annually
- Initiate strategic planning for the Commission's future

What should the Commissioners expect of the Executive Director?

- Open and honest communication
- Act as the Commission's professional advisor
- Interpret needs of the programs
- Recommend appropriate policies for Commission consideration
- Implement Commission policies
- Develop a budget and keep the Commission informed on finances
- Recruit competent personnel, and develop and supervise them
- Be a visible presence in the community
- Provide the Commission with professional judgment on strategic planning

## ***Who is Responsible for What?***

<b>Area</b>	<b>Commissioners Role</b>	<b>Executive Director Role</b>
Long-term goals	Approves	Recommends and provides
Short-term goals	Monitors	Establishes and implements
Day-to-day	No role	Makes all decisions
Budget	Approves & Monitors	Develops and implements
Fees	Adopts policy	Develops fee schedules
Billing, credit,	Adopts policy	Proposes policy and
Hiring of staff	No role	Approves all hiring
Staff assignments	No role	Establishes
Firing of staff	No role	Makes final termination
Staff grievances	No role	Grievances should stop with
Personnel policies	No role	Administers
Staff salaries	No role	Makes determinations
Staff evaluations	Evaluates only Executive Director	Evaluates staff

## ***Commission Meeting Procedures***

The commission shall meet at least four times a year at the call of the chairman, who shall be selected by the commission from among its membership (A.R.S. 36-1942 8C)

All meetings, except Executive Sessions, are open to the public. Commission staff will be responsible for identifying meeting sites and informing members and the public in accordance with state open meeting laws.

## ***Officer Elections***

1. Annual Election for Officers shall take place in the month of November, and Officers shall take their elected seats on the following January 1<sup>st</sup>.
2. All Officers, including the Chair and Vice Chair, shall serve a one year term. Officers can serve four consecutive terms.
3. The nominating and personnel committee shall provide recommendations for new commission officers.
4. Members are required to serve on the Board for at least (1) year prior to being eligible for election to either the Chair or Vice-Chair
5. Upon an unscheduled vacancy of the Chair, the Vice-Chair shall assume the position of the Chair; the Vice-Chair shall assume the position of the Chair for the remainder of the term.
6. Upon an unscheduled vacancy of the Vice-Chair or Secretary, the Board shall hold an election at the earliest possible date to fill the position for the remainder of the current term.

## ***Conducting a Commission Meeting***

### **A short, productive meeting**

Sound preparation is the most important thing a Commissioner can do to make meetings more effective. You will receive an agenda packet. Read it and all related materials carefully. If there is something you don't understand, contact the Executive Director before the Commission meeting for clarification.

### **Commission meetings run according to the Open Meeting Law**

The Open Meeting Law requires 24 hours' advance notice of agenda.

The board's chairperson and executive director will put together a meeting agenda in advance of the meeting date. The agenda gives the Commission a clear plan of business for its meeting. You should receive the agenda in your pre-meeting packet.

Asking that an item be placed on the meeting agenda at the last minute gives no one, your Commission colleagues or the Executive Director time to prepare.

For the same reason, the category "Other Business" does not belong on a meeting agenda. It's not good decision-making to bring up important issues at the last minute.

Send your agenda items and amendments to the Chair at least three (3) weeks prior to the Commission meeting.

**Parliamentary Procedures at a Glance**

<b>To do this:</b>	<b>You Say this:</b>	<b>May You Interrupt Speaker?</b>	<b>Must You be Seconded?</b>	<b>Is the Motion Debatable?</b>	<b>Is the Motion Amendable?</b>	<b>What Vote is Required?</b>
Adjourn the meeting (before all business is complete) <sup>1</sup>	"I move that we adjourn."	No	Yes	No	Yes	Majority
Recess the meeting	"I move that we recess until..."	No	Yes	No	Yes	Majority
Complain about noise, room temperature, etc.	"Point of privilege."	No	Yes	No <sup>2</sup>	No	No vote required <sup>3</sup>
Suspend further consideration of something	"I move we table it."	No	Yes	No	No	Majority
End debate	"I move the previous question."	No	Yes	Yes	Yes	2/3
Postpone consideration of something	"I move we postpone this matter until."	No	Yes	Yes	Yes	2/3
Have something studied further	"I move we refer this matter to a committee."	No	Yes	Yes	Yes	Majority, vote by speaker required
Amend a motion	"I move that this motion be amended by..."	No	Yes	Yes	Yes	Majority, vote by speaker required
Introduce business	"I move that..."	No	Yes	Yes	Yes	Majority

<sup>1</sup> These motions or points are listed in established order of precedence. When anyone of them is pending, you may not introduce another that's listed below it. But you may introduce another that's listed above it.

<sup>2</sup> In this case, any resulting motion is debatable.

<sup>3</sup> Chair decides.

<b>To do this:<sup>4</sup></b>	<b>You Say this:</b>	<b>May You interrupt Speaker?</b>	<b>Must You be Seconded?</b>	<b>Is the Motion Debatable?</b>	<b>Is the Motion Amendable?</b>	<b>What Vote is Required?</b>
Object to procedure or to a personal affront	"Point of order."	Yes	No	No	No	No vote needed, Chair decides
Request information	"Point of information."	If urgent, Yes	No	No	No	No vote needed, Chair decides
Ask for a vote by actual count to verify a voice count	"I call for a division of the house."	No <sup>5</sup>	No	No	No	No vote required unless someone objects <sup>6</sup>
Object to considering some undiplomatic or improper matter	"I object to consideration of this question."	Yes	No	No	No	2/3
Take up a matter previously tabled	"I move we take from the table..."	No	Yes	No	No	Majority
Reconsider something already disposed of	"I move we now (or later) reconsider our action relative to..."	Yes	Yes	Yes if original motion is debatable	No	Majority
Consider something out of its scheduled order	"I move we suspend the rules and consider..."	No	Yes	No	No	2/3
Vote on a ruling by the chairperson	"I appeal the chairperson's decision."	Yes	Yes	Yes	No	Majority in the negative required to reverse chair's decision

<sup>4</sup> The motions, point and proposals have no established order of precedence. Any of them may be introduced at any time except when the meeting is considering one of the top three matters listed in the chart (motion to adjourn, motion to recess, point of privilege).

<sup>5</sup> But division must be called for before another motion is started.

<sup>6</sup> Then majority vote is required.

## OPEN MEETING LAW

January 1, 2008

<b>Article 3.1</b>	<b>Public Meetings and Proceedings</b>
<a href="#"><u>38-431</u></a>	Definitions
<a href="#"><u>38-431.01</u></a>	Meetings shall be open to the public
<a href="#"><u>38-431.02</u></a>	Notice of meetings
<a href="#"><u>38-431.03</u></a>	Executive sessions
<a href="#"><u>38-431.04</u></a>	Writ of mandamus
<a href="#"><u>38-431.05</u></a>	Meeting held in violation of article; business transacted null and void; ratification
<a href="#"><u>38-431.06</u></a>	Investigations; written investigative demands
<a href="#"><u>38-431.07</u></a>	Violations; enforcement; removal from office; in camera review
<a href="#"><u>38-431.08</u></a>	Exceptions; limitation
<a href="#"><u>38-431.09</u></a>	Declaration of public policy

### 38-431. Definitions

In this article, unless the context otherwise requires:

1. "Advisory committee" or "subcommittee" means any entity, however designated, that is officially established, on motion and order of a public body or by the presiding officer of the public body, and whose members have been appointed for the specific purpose of making a recommendation concerning a decision to be made or considered or a course of conduct to be taken or considered by the public body.
2. "Executive session" means a gathering of a quorum of members of a public body from which the public is excluded for one or more of the reasons prescribed in section 38-431.03. In addition to the members of the public body, officers, appointees and employees as provided in section 38-431.03 and the auditor general as provided in section 41-1279.04, only individuals whose presence is reasonably necessary in order for the public body to carry out its executive session responsibilities may attend the executive session.
3. "Legal action" means a collective decision, commitment or promise made by a public body pursuant to the constitution, the public body's charter, bylaws or specified scope of appointment and the laws of this state.
4. "Meeting" means the gathering, in person or through technological devices, of a quorum of members of a public body at which they discuss, propose or take legal action, including any deliberations by a quorum with respect to such action.
5. "Political subdivision" means all political subdivisions of this state, including without limitation all counties, cities and towns, school districts and special districts.
6. "Public body" means the legislature, all boards and commissions of this state or political subdivisions, all multimember governing bodies of departments, agencies, institutions and instrumentalities of the state or political subdivisions, including without limitation all corporations and other instrumentalities whose boards of directors are appointed or elected by the state or political subdivision. Public body includes all quasi-judicial bodies and all standing, special or advisory committees or subcommittees of, or appointed by, the public body.

7. "Quasi-judicial body" means a public body, other than a court of law, possessing the power to hold hearings on disputed matters between a private person and a public agency and to make decisions in the general manner of a court regarding such disputed claims.

38-431.01. Meetings shall be open to the public

A. All meetings of any public body shall be public meetings and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings. All legal action of public bodies shall occur during a public meeting.

B. All public bodies shall provide for the taking of written minutes or a recording of all their meetings, including executive sessions. For meetings other than executive sessions, such minutes or recording shall include, but not be limited to:

1. The date, time and place of the meeting.

2. The members of the public body recorded as either present or absent.

3. A general description of the matters considered.

4. An accurate description of all legal actions proposed, discussed or taken, and the names of members who propose each motion. The minutes shall also include the names of the persons, as given, making statements or presenting material to the public body and a reference to the legal action about which they made statements or presented material.

C. Minutes of executive sessions shall include items set forth in subsection B, paragraphs 1, 2 and 3 of this section, an accurate description of all instructions given pursuant to section 38-431.03, subsection A, paragraphs 4, 5 and 7 and such other matters as may be deemed appropriate by the public body.

D. The minutes or a recording of a meeting shall be available for public inspection three working days after the meeting except as otherwise specifically provided by this article.

E. A public body of a city or town with a population of more than two thousand five hundred persons shall:

1. Within three working days after a meeting, except for subcommittees and advisory committees, post on its internet website, if applicable, either:

(a) A statement describing the legal actions taken by the public body of the city or town during the meeting.

(b) Any recording of the meeting.

2. Within two working days following approval of the minutes, post approved minutes of city or town council meetings on its internet website, if applicable, except as otherwise specifically provided by this article.

3. Within ten working days after a subcommittee or advisory committee meeting, post on its internet website, if applicable, either:

(a) A statement describing legal action, if any.

(b) A recording of the meeting.

F. All or any part of a public meeting of a public body may be recorded by any person in attendance by means of a tape recorder or camera or any other means of sonic reproduction, provided that there is no active interference with the conduct of the meeting.

G. The secretary of state for state public bodies, the city or town clerk for municipal public bodies and the county clerk for all other local public bodies shall distribute open meeting law materials prepared and approved by the attorney general to a person elected or appointed to a public body prior to the day that person takes office.

H. A public body may make an open call to the public during a public meeting, subject to

reasonable time, place and manner restrictions, to allow individuals to address the public body on any issue within the jurisdiction of the public body. At the conclusion of an open call to the public, individual members of the public body may respond to criticism made by those who have addressed the public body, may ask staff to review a matter or may ask that a matter be put on a future agenda. However, members of the public body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action.

I. A member of a public body shall not knowingly direct any staff member to communicate in violation of this article.

### 38-431.02. Notice of meetings

A. Public notice of all meetings of public bodies shall be given as follows:

1. The public bodies of the state shall file a statement with the secretary of state stating where all public notices of their meetings will be posted and shall give such additional public notice as is reasonable and practicable as to all meetings.

2. The public bodies of the counties, school districts and other special districts shall file a statement with the clerk of the board of supervisors stating where all public notices of their meetings will be posted and shall give such additional public notice as is reasonable and practicable as to all meetings.

3. The public bodies of the cities and towns shall file a statement with the city clerk or mayor's office stating where all public notices of their meetings will be posted and shall give such additional public notice as is reasonable and practicable as to all meetings.

4. The public bodies of the cities and towns that have an internet web site shall post all public notices of their meetings on their internet web site and shall give additional public notice as is reasonable and practicable as to all meetings. A technological problem or failure that either prevents the posting of public notices on a city or town web site or that temporarily or permanently prevents the usage of all or part of the web site does not preclude the holding of the meeting for which the notice was posted if all other public notice requirements required by this section are complied with.

B. If an executive session will be held, the notice shall be given to the members of the public body, and to the general public, stating the specific provision of law authorizing the executive session.

C. Except as provided in subsections D and E, meetings shall not be held without at least twenty-four hours' notice to the members of the public body and to the general public.

D. In case of an actual emergency, a meeting, including an executive session, may be held on such notice as is appropriate to the circumstances. If this subsection is utilized for conduct of an emergency session or the consideration of an emergency measure at a previously scheduled meeting the public body must post a public notice within twenty-four hours declaring that an emergency session has been held and setting forth the information required in subsections H and I.

E. A meeting may be recessed and resumed with less than twenty-four hours' notice if public notice of the initial session of the meeting is given as required in subsection A, and if, prior to recessing, notice is publicly given as to the time and place of the resumption of the meeting or the method by which notice shall be publicly given.

F. A public body that intends to meet for a specified calendar period, on a regular day, date or event during such calendar period, and at a regular place and time, may post public notice of such meetings at the beginning of such period. Such notice shall specify the period for which notice is applicable.

G. Notice required under this section shall include an agenda of the matters to be discussed or decided at the meeting or information on how the public may obtain a copy of such an agenda. The

agenda must be available to the public at least twenty-four hours prior to the meeting, except in the case of an actual emergency under subsection D.

H. Agendas required under this section shall list the specific matters to be discussed, considered or decided at the meeting. The public body may discuss, consider or make decisions only on matters listed on the agenda and other matters related thereto.

I. Notwithstanding the other provisions of this section, notice of executive sessions shall be required to include only a general description of the matters to be considered. Such agenda shall provide more than just a recital of the statutory provisions authorizing the executive session, but need not contain information that would defeat the purpose of the executive session, compromise the legitimate privacy interests of a public officer, appointee or employee, or compromise the attorney-client privilege.

J. Notwithstanding subsections H and I, in the case of an actual emergency a matter may be discussed and considered and, at public meetings, decided, where the matter was not listed on the agenda provided that a statement setting forth the reasons necessitating such discussion, consideration or decision is placed in the minutes of the meeting and is publicly announced at the public meeting. In the case of an executive session, the reason for consideration of the emergency measure shall be announced publicly immediately prior to the executive session.

K. Notwithstanding subsection H, the chief administrator, presiding officer or a member of a public body may present a brief summary of current events without listing in the agenda the specific matters to be summarized, provided that:

1. The summary is listed on the agenda.
2. The public body does not propose, discuss, deliberate or take legal action at that meeting on any matter in the summary unless the specific matter is properly noticed for legal action.

### 38-431.03. Executive sessions

A. Upon a public majority vote of the members constituting a quorum, a public body may hold an executive session but only for the following purposes:

1. Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body, except that, with the exception of salary discussions, an officer, appointee or employee may demand that the discussion or consideration occur at a public meeting. The public body shall provide the officer, appointee or employee with written notice of the executive session as is appropriate but not less than twenty-four hours for the officer, appointee or employee to determine whether the discussion or consideration should occur at a public meeting.
2. Discussion or consideration of records exempt by law from public inspection, including the receipt and discussion of information or testimony that is specifically required to be maintained as confidential by state or federal law.
3. Discussion or consultation for legal advice with the attorney or attorneys of the public body.
4. Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation.
5. Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations with employee organizations regarding the salaries, salary schedules or compensation paid in the form of fringe benefits of employees of the public body.

6. Discussion, consultation or consideration for international and interstate negotiations or for negotiations by a city or town, or its designated representatives, with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city or town.
  7. Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property.
- B. Minutes of and discussions made at executive sessions shall be kept confidential except from:
1. Members of the public body which met in executive session.
  2. Officers, appointees or employees who were the subject of discussion or consideration pursuant to subsection A, paragraph 1 of this section.
  3. The auditor general on a request made in connection with an audit authorized as provided by law.
  4. A county attorney or the attorney general when investigating alleged violations of this article.
- C. The public body shall instruct persons who are present at the executive session regarding the confidentiality requirements of this article.
- D. Legal action involving a final vote or decision shall not be taken at an executive session, except that the public body may instruct its attorneys or representatives as provided in subsection A, paragraphs 4, 5 and 7 of this section. A public vote shall be taken before any legal action binds the public body.
- E. Except as provided in section 38-431.02, subsections I and J, a public body shall not discuss any matter in an executive session which is not described in the notice of the executive session.
- F. Disclosure of executive session information pursuant to this section or section 38-431.06 does not constitute a waiver of any privilege, including the attorney-client privilege. Any person receiving executive session information pursuant to this section or section 38-431.06 shall not disclose that information except to the attorney general or county attorney, by agreement with the public body or to a court in camera for purposes of enforcing this article. Any court that reviews executive session information shall take appropriate action to protect privileged information.

#### 38-431.04. Writ of mandamus

Where the provisions of this article are not complied with, a court of competent jurisdiction may issue a writ of mandamus requiring that a meeting be open to the public.

#### 38-431.05. Meeting held in violation of article; business transacted null and void; ratification

- A. All legal action transacted by any public body during a meeting held in violation of any provision of this article is null and void except as provided in subsection B.
- B. A public body may ratify legal action taken in violation of this article in accordance with the following requirements:
1. Ratification shall take place at a public meeting within thirty days after discovery of the violation or after such discovery should have been made by the exercise of reasonable diligence.
  2. The notice for the meeting shall include a description of the action to be ratified, a clear statement that the public body proposes to ratify a prior action and information on how the public may obtain a detailed written description of the action to be ratified.
  3. The public body shall make available to the public a detailed written description of the action to be ratified and all deliberations, consultations and decisions by members of the public body that preceded and related to such action. The written description shall also be included as part of the minutes of the meeting at which ratification is taken.
  4. The public body shall make available to the public the notice and detailed written description

required by this section at least seventy-two hours in advance of the public meeting at which the ratification is taken.

38-431.05. Meeting held in violation of article; business transacted null and void; ratification

A. All legal action transacted by any public body during a meeting held in violation of any provision of this article is null and void except as provided in subsection B.

B. A public body may ratify legal action taken in violation of this article in accordance with the following requirements:

1. Ratification shall take place at a public meeting within thirty days after discovery of the violation or after such discovery should have been made by the exercise of reasonable diligence.
2. The notice for the meeting shall include a description of the action to be ratified, a clear statement that the public body proposes to ratify a prior action and information on how the public may obtain a detailed written description of the action to be ratified.
3. The public body shall make available to the public a detailed written description of the action to be ratified and all deliberations, consultations and decisions by members of the public body that preceded and related to such action. The written description shall also be included as part of the minutes of the meeting at which ratification is taken.
4. The public body shall make available to the public the notice and detailed written description required by this section at least seventy-two hours in advance of the public meeting at which the ratification is taken.

38-431.06. Investigations; written investigative demands

A. On receipt of a written complaint signed by a complainant alleging a violation of this article or on their own initiative, the attorney general or the county attorney for the county in which the alleged violation occurred may begin an investigation.

B. In addition to other powers conferred by this article, in order to carry out the duties prescribed in this article, the attorney general or the county attorney for the county in which the alleged violation occurred, or their designees, may:

1. Issue written investigative demands to any person.
2. Administer an oath or affirmation to any person for testimony.
3. Examine under oath any person in connection with the investigation of the alleged violation of this article.
4. Examine by means of inspecting, studying or copying any account, book, computer, document, minutes, paper, recording or record.
5. Require any person to file on prescribed forms a statement or report in writing and under oath of all the facts and circumstances requested by the attorney general or county attorney.

C. The written investigative demand shall:

1. Be served on the person in the manner required for service of process in this state or by certified mail, return receipt requested.
2. Describe the class or classes of documents or objects with sufficient definiteness to permit them to be fairly identified.
3. Prescribe a reasonable time at which the person shall appear to testify and within which the document or object shall be produced and advise the person that objections to or reasons for not complying with the demand may be filed with the attorney general or county attorney on or before that time.
4. Specify a place for the taking of testimony or for production of a document or object and designate a person who shall be the custodian of the document or object.

D. If a person objects to or otherwise fails to comply with the written investigation demand served on the person pursuant to subsection C, the attorney general or county attorney may file an action in the superior court for an order to enforce the demand. Venue for the action to enforce the demand shall be in Maricopa county or in the county in which the alleged violation occurred. Notice of hearing the action to enforce the demand and a copy of the action shall be served on the person in the same manner as that prescribed in the Arizona rules of civil procedure. If a court finds that the demand is proper, including that the compliance will not violate a privilege and that there is not a conflict of interest on the part of the attorney general or county attorney, that there is reasonable cause to believe there may have been a violation of this article and that the information sought or document or object demanded is relevant to the violation, the court shall order the person to comply with the demand, subject to modifications the court may prescribe. If the person fails to comply with the court's order, the court may issue any of the following orders until the person complies with the order:

1. Adjudging the person in contempt of court.
2. Granting injunctive relief against the person to whom the demand is issued to restrain the conduct that is the subject of the investigation.
3. Granting other relief the court deems proper.

#### 38-431.07. Violations; enforcement; removal from office; in camera review

A. Any person affected by an alleged violation of this article, the attorney general or the county attorney for the county in which an alleged violation of this article occurred may commence a suit in the superior court in the county in which the public body ordinarily meets, for the purpose of requiring compliance with, or the prevention of violations of, this article, by members of the public body, or to determine the applicability of this article to matters or legal actions of the public body. For each violation the court may impose a civil penalty not to exceed five hundred dollars against a person who violates this article or who knowingly aids, agrees to aid or attempts to aid another person in violating this article and order such equitable relief as it deems appropriate in the circumstances. The civil penalties awarded pursuant to this section shall be deposited into the general fund of the public body concerned. The court may also order payment to a successful plaintiff in a suit brought under this section of the plaintiff's reasonable attorney fees, by the defendant state, the political subdivision of the state or the incorporated city or town of which the public body is a part or to which it reports. If the court determines that a public officer with intent to deprive the public of information violated any provision of this article the court may remove the public officer from office and shall assess the public officer or a person who knowingly aided, agreed to aid or attempted to aid the public officer in violating this article, or both, with all of the costs and attorney fees awarded to the plaintiff pursuant to this section.

B. A public body shall not expend public monies to employ or retain legal counsel to provide legal services or representation to the public body or any of its officers in any legal action commenced pursuant to any provisions of this article, unless the public body has authority to make such expenditure pursuant to other provisions of law and takes a legal action at a properly noticed open meeting approving such expenditure prior to incurring any such obligation or indebtedness.

C. In any action brought pursuant to this section challenging the validity of an executive session, the court may review in camera the minutes of the executive session, and if the court in its discretion determines that the minutes are relevant and that justice so demands, the court may disclose to the parties or admit in evidence part or all of the minutes.

38-431.08. Exceptions; limitation

A. This article does not apply to:

1. Any judicial proceeding of any court or any political caucus of the legislature.
2. Any conference committee of the legislature, except that all such meetings shall be open to the public.
3. The commissions on appellate and trial court appointments and the commission on judicial qualifications.
4. Good cause exception determinations and hearings conducted by the board of fingerprinting pursuant to section 41-619.55.

B. A hearing held within a prison facility by the board of executive clemency is subject to this article, except that the director of the state department of corrections may:

1. Prohibit, on written findings that are made public within five days of so finding, any person from attending a hearing whose attendance would constitute a serious threat to the life or physical safety of any person or to the safe, secure and orderly operation of the prison.
2. Require a person who attends a hearing to sign an attendance log. If the person is over sixteen years of age, the person shall produce photographic identification which verifies the person's signature.
3. Prevent and prohibit any articles from being taken into a hearing except recording devices, and if the person who attends a hearing is a member of the media, cameras.
4. Require that a person who attends a hearing submit to a reasonable search on entering the facility.

C. The exclusive remedies available to any person who is denied attendance at or removed from a hearing by the director of the state department of corrections in violation of this section shall be those remedies available in section 38-431.07, as against the director only.

D. Either house of the legislature may adopt a rule or procedure pursuant to article IV, part 2, section 8, Constitution of Arizona, to provide an exemption to the notice and agenda requirements of this article or to allow standing or conference committees to meet through technological devices rather than only in person.

38-431.09. Declaration of public policy

It is the public policy of this state that meetings of public bodies be conducted openly and that notices and agendas be provided for such meetings which contain such information as is reasonably necessary to inform the public of the matters to be discussed or decided. Toward this end, any person or entity charged with the interpretations of this article shall construe any provision of this article in favor of open and public meetings.

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## ***Representation of the Commission***

All representations made by Commission members must be either an approved position of the Commission or clearly identified as personal opinion.

- A. It is the responsibility of the Executive Director to inform the Commissioners, in a timely manner and in writing, of legislation, rules or regulations promulgated by the State Legislature, the Governor, or any state agency or entity affecting issues of concern to Deaf and Hard of Hearing persons.
- B. The Executive Director and Commissioners shall express only the position of the Commission on issues where the Commission has, by a vote in open meeting, taken a position on these particular issues.
  - 1. All Commission members, when offering personal opinions, will mention whether the Commission has taken a formal position of the particular issue or not.
  - 2. All Commission staff, when offering personal opinions, will give the Commission's position on the same occasion.
  - 3. It shall be the responsibility of the Executive Director to provide the Commission with copies of personal opinions written by Commission members and delivered to any officials or appointed staff.
- C. As a State Agency, this policy does not prohibit the Executive Director and Commission staff from providing information, data, and other resource materials to members of the public and governmental offices.
- D. The Executive Director will issue to Commissioners any and all printed information regarding newly introduced bills and provide copies of the bills before the State Legislature and other governmental bodies, including the U.S. Congress, that address issues of concern in the Deaf and Hard of Hearing community immediately.

## ***Travel Reimbursement***

In accordance with A.R.S. §36-1941 E, "Members of the Commission shall receive no compensation but shall be reimbursed for expenses pursuant to Title 38, Chapter 4, Article 2."

The following policy was made effective by the Commission on January 30, 1991, and shall be administered by the Executive Director.

1. Commissioners shall be reimbursed in accordance with current Department of Administration rates for transportation, meals, and lodging for:
  - A. Business and public meetings called by the Chair of the Commission
  - B. Special meetings called by the Chair
  - C. Subcommittee meetings held pursuant to current Arizona Open Meeting Laws
2. Commissioners requesting reimbursement for travel, lodging, and meals to attend meetings other than those listed above shall request prior authorization for such reimbursement from the Executive Director.
3. The Executive Director, in compliance with A.R.S. §38-4, shall be the final approving authority to determine authorization for travel submitted by Commissioners who wish to attend meetings other than those specifically called by the Chair or coordinated by the Commission staff.
4. The Executive Director shall reference A.R.S. §38-4 and, in order to determine feasibility for reimbursement, require that all three of the following are met:
  - A. The purpose of attending the meeting is to represent the Commission
  - B. The meeting addresses issues directly related to Commission business
  - C. There are sufficient agency funds available

*Please refer to the current state travel reimbursement policy on line at <http://www.gao.state.az.us/travel/> forms can be downloaded at <http://www.gao.state.az.us/onlineforms/> the following are the forms most often used [GAO-503EZ Instructions](#) [GAO-503EZ](#) (Interactive) [GAO-503AEZ](#) (Interactive)*

*If a copy is not provided here, you can request one from the Business Manager.*

## ***Writing a Position Paper***

The following outline can be used to guide small committees or individuals through writing up recommendations to present to the Commission.

- I.     **Statement of Problem**  
This should be a concise description of the problem, i.e. "City Hall has no loop system "or" County Attorney's Office refuses to pay for interpreters".
  
- II.    **Background**  
This section should describe specifically who, what, and where the problem is and its negative impact. Names, telephone numbers, and any written correspondence relating to the problem should be mentioned and attached.
  
- III.   **Research and information**
  
- IV.    **Possible Solutions**  
This section should explain, in brief sentences, the most effective solution(s) or means to address the problem.
  
- V.     **Statement of Position and Recommendations**

**NOTE:** To be included on the agenda, the position paper shall be submitted to the Executive Director when possible three (3) weeks prior to the Commission meeting.

## ***Risk Management***

As a Commissioner, your obligation is to act in good faith and in the best interests of the organization. You should know whether your Commission's policies are up-to-date and in compliance with non-discrimination and employment laws.

Here are a few rules for managing your liability as a Commissioner:

### ***Attend meetings and pay attention***

Be an active participant. Liability comes from negligence or not doing the job as it should be done. That's why your meeting attendance is crucial. You can be held responsible for Commission actions taken even in your absence.

- Keep minutes for all Commission meetings.
- Review meeting minutes for accuracy and register—in writing—any disagreements
- Keep minutes for all committee meetings as well
- Pay attention to financial reports
- Be sure that you have accurate and correct information, and understand issues before making decisions

### ***Know and follow your policies and governing documents.***

The Commission should have two sets of policies—one governing the Board of Commissioners and its operations and the other providing direction for the Commission. Failure to abide by Commission policy or applying it inconsistently is common sources of litigation.

- Review Commission policies each year and update them to reflect new laws
- Be sure that meetings are announced, that meetings are held regularly, and that Commissioners are appointed properly

### ***Know the laws that apply to the Commission.***

Many state and federal equal employment regulations affect Commission personnel policies, especially those that relate to staff hiring and firing, family and medical leave, and accommodations for the disabled. State and federal laws also limit lobbying and political activity by the Commission. Take the time to review and understand these limitations.

### ***Review the executive director's performance each year.***

That's how you can help determine how well the organization is meeting its mission.

### ***Avoid conflicts of interest.***

Commissioners who benefit financially from a Commission decision should be able to prove that the decision was made in good faith.

## ***Risk Management (continued)***

### ***Request counsel when necessary***

Seek an attorney's opinion for questions of law. Use auditors, accountants and other professionals to make sure your Commission is making good decisions. Ask the Commission's attorney to discuss Commission liability with the Board of Commissioners.

**CHAPTER 3.1 - RISK MANAGEMENT**  
**Article 1 - Insurance; Uninsured Losses**

**41-621. Purchase of insurance; coverage; limitations; exclusions; definitions**

A. The department of administration shall obtain insurance against loss, to the extent it is determined necessary and in the best interests of the state as provided in subsection F of this section, on the following:

1. All state owned buildings, including those of the universities, excluding buildings of community colleges, whether financed in whole or in part by state monies or buildings in which the state has an insurable interest as determined by the department of administration.

2. Contents in any buildings owned, leased or rented, in whole or in part, by or to the state, excluding buildings of community colleges, and reported to the department of administration.

**3. The state and its departments, agencies, boards and commissions and all officers, agents and employees thereof and such others as may be necessary to accomplish the functions or business of the state and its departments, agencies, boards and commissions against liability for acts or omissions of any nature while acting in authorized governmental or proprietary capacities and in the course and scope of employment or authorization except as prescribed by this chapter.**

4. All personal property reported to the department of administration, including vehicles and aircraft owned by the state and its departments, agencies, boards and commissions and all non-owned personal property which is under the clear responsibility of this state because of written leases or other written agreements.

**5. the state and its departments, agencies, boards and commissions against casualty, use and occupancy and liability losses of every nature except as prescribed by this chapter.**

6. Workers' compensation and employers' liability insurance.

7. Design and construction of buildings, roads, environmental remediation and other construction projects.

**8. Other exposures to loss where insurance may be required to protect this state and its departments, agencies, boards and commissions and all officers, agents and employees acting in the course and scope of employment or authorization except as prescribed by this chapter.**

B. To the extent it is determined necessary and in the best interests of the state, the department of administration shall obtain insurance or provide for state self-insurance against property damage caused by clients and liability coverage resulting from, the direct or incidental care of clients participating in programs of the state and its departments, agencies, boards or commissions relating to

custodial care. The insurable programs shall include foster care, programs for the developmentally disabled, an independent living program pursuant to section 8-521 and respite-sitter service programs. The department shall obtain insurance or provide for state self-insurance pursuant to this subsection to protect the clients participating in these programs and individual providers of these program services on behalf of the state and its departments, agencies, boards or commissions. The insurance provided under this subsection does not include medical or workers' compensation coverage for providers. The department may include in its annual budget request pursuant to section 41-622, subsection D a charge for the insurance or self-insurance provided in this subsection. To assist in carrying out the provisions of this subsection, the department shall establish a seven member advisory Board Committee accordance with the following provisions:

1. The Board shall consist of three members appointed by the director of the department of administration, at least one of whom shall be a foster parent, two members appointed by the 6. The Board shall provide advice to the department regarding coverage and administration of the provisions of this subsection and shall assist the department in coordinating its activities pursuant to this subsection with state departments, agencies, boards and commissions.
- C. The department of administration may obtain insurance director of the department of economic security, one member appointed by the director of the state department of corrections, and one member appointed by the administrative director of the courts.
2. The Board shall elect a chairman from among its members.
3. The Board shall hold at least two meetings a year or shall meet at the call of the chairman.
4. Board Commission Member shall serve for three year terms.
5. Board Commission Member are not eligible to receive compensation but are eligible for reimbursement of expenses pursuant to title 38, chapter 4, article 2. against loss, to the extent it is determined necessary and in the best interests of the state as provided in subsection F of this section for the professional liability of individual physicians and psychiatrists who provide services under a contract with the state department of corrections. Coverage is limited to acts and omissions committed inside a state department of corrections facility while in the performance of the contract and to individual physicians and psychiatrists who demonstrate to the satisfaction of the state department of corrections that they cannot otherwise obtain professional liability coverage for the services required by the contract. The director of the department of administration may impose on the state department of corrections a deductible of not more than ten thousand dollars per loss that arises out of a professional liability claim pursuant to this subsection. Deductible amounts established by the director shall be subject to annual review by the joint legislative budget committee.
- D. The department of administration may obtain property, liability, disability or workers' compensation insurance, self-insure or develop risk retention pools to provide for payment of property loss or casualty claims or disability insurance

claims against contractors of this state with the approval of the joint legislative budget committee. With respect to insurance, self-insurance or risk retention pools for contractors licensed and contracted to do work for this state, the coverage afforded applies with respect to the conduct of the business entity of that contractor. The pool is available to all contractors regardless of the amount that the state contracted work bears in relation to the amount of non-state contracted work. The contractor shall be terminated from the pool if the contractor ceases to be a state contractor.

E. The department of administration may determine, in the best interests of the state, that state self-insurance is necessary or desirable and, if that decision is made, shall provide for state self-insurance for losses arising out of state property, liability or workers' compensation claims prescribed by subsection A of this section. If the department of administration provides state self-insurance, such coverage shall be excess over any other valid and collectible insurance. The director of the department of administration may impose on state departments, agencies, boards and commissions a deductible of not more than ten thousand dollars per loss that arises out of a property, liability or workers' compensation loss pursuant to this subsection. Deductible amounts established by the director shall be subject to annual review by the joint legislative budget committee.

F. In carrying out the provisions of this chapter, the department of administration shall establish and provide the state with some or all of the necessary risk management services, or shall contract for risk management services pursuant to chapter 23 of this title, as the director of the department of administration deems necessary in the best interest of the state, and may, in addition to other specifications of such coverage as deemed necessary, determine self-insurance to be established. The provisions of chapter 23 of this title shall not apply to the department of administration's procurement of insurance to cover losses arising out of state property or liability claims prescribed in subsections A and D of this section or excess loss insurance for the state's workers' compensation liability for individual or aggregate claims, or both, in such amounts and at such primary retention levels as the department of administration deems in the best interest of the state. In purchasing insurance to cover losses arising out of state property or liability claims prescribed by subsection A of this section, the department of administration is not subject to the provisions of title 20, chapter 2, article 5.

G. No successful bidder for risk management services pursuant to this section shall be entitled to receive directly or indirectly any sales commission, contingent commission, excess profit commission, or other commissions, or anything of value, as payment for the risk management services except those amounts received directly from this state as payment for the risk management services.

H. The department of administration shall pay for purchased risk management services, premiums for insurance on state property and state liability and workers' compensation pursuant to the provisions of this chapter.

I. A state officer, agent or employee acting in good faith, without wanton disregard of his statutory duties and under the authority of an enactment that is subsequently declared to be unconstitutional, invalid or inapplicable is not

personally liable for an injury or damage caused thereby except to the extent that he would have been personally liable had the enactment been constitutional, valid and applicable.

J. A state officer, agent or employee, except as otherwise provided by statute, is not personally liable for an injury or damage resulting from his act or omission in a public official capacity where the act or omission was the result of the exercise of the discretion vested in him if the exercise of the discretion was done in good faith without wanton disregard of his statutory duties.

**K. the state and its departments, agencies, boards and commissions are immune from liability for losses arising out of a judgment for willful and wanton conduct resulting in punitive or exemplary damages.**

L. The following exclusions shall apply to subsections A, B and E of this section:

1. Losses against this state and its departments, agencies, boards and commissions that arise out of and are directly attributable to an act or omission determined by a court to be a felony by a person who is provided coverage pursuant to this article unless the state knew of the person's propensity for that action, except those acts arising out of the operation or use of a motor vehicle.
2. Losses arising out of contractual breaches.

M. If self-insurance coverage is determined to exist, the attorney general, with funds provided by the department of administration, shall provide for the defense, either through his office or by appointment of outside legal counsel, of the state and its departments, agencies, boards and commissions and all officers, agents and employees thereof and such others as are insured by the department of administration for or on account of their acts or omissions covered pursuant to this chapter. All state departments, agencies, boards and commissions, all officers, agents and employees thereof and such others as are insured by the department of administration shall cooperate fully with the attorney general and department of administration in the defense of claims arising pursuant to this chapter.

N. A claim for liability damages made pursuant to this chapter may be settled and payment made up to the amount of twenty-five thousand dollars or such higher limit as may be established by the joint legislative budget committee with the approval of the director of the department of administration. A claim over the amount of twenty-five thousand dollars up to fifty thousand dollars or such higher limit as may be established by the joint legislative budget committee may be settled and payment made with the approval of the director of the department of administration and the attorney general. Any claim over the amount of fifty thousand dollars or such higher limit as may be established by the joint legislative budget committee may be settled and payment made with the approval of the director of the department of administration, the attorney general and the joint legislative budget committee. If it is in the best interest of this state, the joint legislative budget committee may establish higher settlement limits. Any settlements involving amounts in excess of fifty thousand dollars or such higher limit as may be established by the joint legislative budget committee shall be approved by the department of administration, the attorney general and the joint legislative budget committee pursuant to the authority granted. The settlement of

liability claims shall be solely the authority of the department of administration, the attorney general and the joint legislative budget committee. No state department, agency, Board Commissioner commission or any officer, agent or employee of this state may voluntarily make any payment, assume any obligation, incur any expense or maintain the individual right of consent for liability claims made pursuant to this chapter except as provided by this section. O. Neither the authority provided by this section to insure, nor the exercise of such authority, shall:

1. Impose any liability on this state or the departments, agencies, boards and commissions or any officers, agents and employees of this state unless such liability otherwise exists.
2. Impair any defense this state or the departments, agencies, boards and commissions or any officers, agents and employees of this state otherwise may have.

**P. The department of administration shall pay, on behalf of any state officer, agent or employee, any damages, excluding punitive damages, for which the officer, agent or employee becomes legally responsible if the acts or omissions resulting in liability were within the officer's, agent's or employee's course and scope of employment.** The department of administration may pay for all damages however designated which the officer, agent or employee becomes legally responsible for if the acts or omissions resulting in liability are determined by the director of the department of administration to be within the person's course and scope of employment.

Q. The department of administration shall adopt such rules as are deemed necessary to carry out, implement and limit the provisions of this chapter.

R. For purposes of determining whether a state officer, agent or employee is entitled to coverage under this chapter, "within the course and scope of employment or authorization" means:

1. The acts or omissions that the state officer, agent or employee is employed or authorized to perform.
2. The acts or omissions of the state officer, agent or employee occur substantially within the authorized time and space limit.
3. The acts or omissions are activated at least in part by a purpose to serve this state or its departments, agencies, boards or commissions.

S. To the extent it is determined necessary and in the best interest of this state, the department of administration may obtain design and construction insurance or provide for self-insurance against property damage caused by this state, its departments, agencies, boards and commissions and all officers and employees of this state in connection with the construction of public works projects. Workers' compensation liability insurance may be purchased to cover both general contractors and subcontractors doing work on a specific contracted work site. The department may include in its annual budget request, pursuant to section 41-622, subsection D, the cost of the insurance purchased or provided. In connection with the construction of public works projects, the department of administration may also use an owner-controlled or wrap-up insurance program if all of the following conditions are met:

1. The total cost of the project is over fifty million dollars.
  2. The program maintains completed operations coverage for a term during which coverage is reasonably commercially available as determined by the director of the department of insurance, but in no event for less than three years.
  3. Bid specifications clearly specify for all bidders the insurance coverage provided under the program and the minimum safety requirements that shall be met.
  4. The program does not prohibit a contractor or subcontractor from purchasing any additional insurance coverage that a contractor believes is necessary for protection from any liability arising out of the contract. The cost of the additional insurance shall not be passed through to this state on a contract bid.
  5. The program does not include surety insurance.
  6. The state may purchase an owner-controlled or wrap-up policy that has a deductible or self-insured retention as long as the deductible or self-insured retention does not exceed one million dollars.
- T. For purposes of subsection S of this section:
1. "Owner-controlled or wrap-up insurance" means a series of insurance policies issued to cover this state and all of the contractors, subcontractors, architects and engineers on a specified contracted work site for purposes of general liability, property damage and workers' compensation.
  2. "Specific contracted work site" means construction being performed at one site or a series of contiguous sites separated only by a street, roadway, waterway or railroad right-of-way, or along a continuous system for the provision of water and power.

**41-621.01. Contractors or subcontractors; pooling of property, liability and workers' compensation coverage; exemptions; Board of trustees; contract; termination; audit; insolvency**

A. Pursuant to section 41-621, subsection D and section 41-622.01 two or more contractors or subcontractors licensed to do work for this state or any political subdivision of this state may with the approval of the department of administration enter into contracts or agreements pursuant to this section for the joint purchase of insurance, to pool retention of their risks for property and liability losses and to provide for the payment of the property loss or claim of liability made against any member of the pool on a cooperative or contract basis with one another or may jointly form a Commission corporation or enter into a trust agreement to carry out the provisions of this section in their behalf directly or by contract with a private party, if the department of administration has determined to sanction such a pool. Two or more contractors may enter into contracts or agreements pursuant to this section to establish a separate workers' compensation pool to provide for the payment of workers' compensation claims pursuant to title 23, chapter 6 on a cooperative or contract basis with one another or may jointly form a Commission corporation or enter into a trust agreement to carry out the provisions of this section in their behalf directly or by contract with a

private party. A workers' compensation pool established pursuant to this subsection may only provide coverage for workers' compensation, employers' liability and occupational disease claims. A workers' compensation pool is a separate entity which is subject to approval as a self-insurer by the industrial commission pursuant to section 23-961, subsection A, paragraph 2 and is subject to title 23, chapter 6 and rules adopted pursuant to that chapter in addition to the requirements of this section.

B. Section 10-11301 does not apply to Commission corporations formed pursuant to this section.

C. Chapter 23 of this title does not apply to the procurement of insurance or to the procurement of the services provided for in subsection G, paragraph 8 of this section by any pool established pursuant to this section.

D. Title 43 does not apply to any pool established pursuant to this section. Any pool established pursuant to this section is exempt from taxation under title 43.

E. Each pool shall be operated by a Board of trustees consisting of at least five members, the majority of whom shall be elected officials or employees of the state. The Board of trustees of each group shall do all of the following:

1. Establish terms and conditions of coverage within the pool including exclusions of coverage.
2. Ensure that all claims are paid promptly.
3. Take all necessary precautions to safeguard the assets of the group.
4. Maintain minutes of its meetings.
5. Designate an administrator to carry out the policies established by the Board of trustees and to provide day to day management of the group and delineate in the written minutes of its meetings the areas of authority it delegates to the administrator.
6. Notify the director of the department of insurance of the existence of the pool and file a copy of the agreement with him and with the attorney general.
7. If the pool is a workers' compensation pool, file a copy of the agreement with the director of the industrial commission.

F. The Board of trustees shall not:

1. Extend credit to individual members for payment of a premium except pursuant to payment plans established by the board.
2. Borrow any monies from the group or in the name of the group except in the ordinary course of business.

G. A contract or agreement made pursuant to subsection A of this section shall contain the following:

1. A provision for a system or program of loss control.
2. A provision for termination of membership including either:
  - (a) Cancellation of individual members of the pool by the pool.
  - (b) Election by an individual member of the pool to terminate its participation.
3. A provision requiring the pool to pay all claims for which each member incurs liability during each member's period of membership.
4. A provision stating that each member is not relieved of its liability incurred during the member's period of membership except through the payment of losses by the pool or by the member.

5. A provision for the maintenance of claims reserves equal to known incurred losses and an estimate of incurred but not reported claims.
  6. A provision for a final accounting and settlement of the obligations of or refunds to a terminating member to occur when all incurred claims are concluded, settled or paid.
  7. A provision that the pool may establish offices where necessary in this state and employ necessary staff to carry out the purposes of the pool.
  8. A provision that the pool may retain legal counsel, actuaries, auditors, engineers, private consultants and advisors.
  9. A provision that the pool may make and alter bylaws and rules pertaining to the exercise of its purpose and powers.
  10. A provision that the pool may purchase, lease or rent real and personal property it deems necessary.
  11. A provision that the pool shall enter into a financial services agreement with banks and that it may issue checks in its own name.
- H. A pool or a terminating member shall provide at least ninety days' written notice of the termination or cancellation. A workers' compensation pool shall notify the industrial commission of the termination or cancellation of a member thirty days before the termination or cancellation of the member.
- I. The pool shall be audited annually at the expense of the pool by a certified public accountant, with a copy of the report submitted to the governing body or chief executive officer of each member of the pool and to the director of the department of insurance. The ~~Board~~ Commission of trustees of the pool shall obtain an appropriate actuarial evaluation of the claim reserves of the pool including an estimate of the incurred but not reported claims. The department of insurance shall examine each contractor pool once every three years. The director of the department of insurance may examine a contractor pool sooner than three years from the preceding examination if the director has reason to believe that the pool is insolvent. The costs of any examination shall be paid by the pool subject to the examination.
- J. If, as a result of the annual audit or an examination by the director of the department of insurance, it appears that the assets of the pool are insufficient to enable the pool to discharge its legal liabilities and other obligations, the director of the department of insurance shall notify the administrator and the Board of trustees of the pool of the deficiency and provide the director's list of recommendations to abate the deficiency, including a recommendation not to add any new members until the deficiency is abated. If the pool fails to comply with the recommendations within sixty days after the date of the notice, the director shall notify the chief executive officer or the governing bodies, if any, of the members of the pool, the governor, the president of the senate and the speaker of the house of representatives that the pool has failed to comply with the recommendations of the director.
- K. If a pool is determined to be insolvent or is otherwise found to be unable to discharge its legal liabilities and other obligations, each agreement or contract shall provide that the members of the pool shall be assessed on a pro rata basis as calculated by the amount of each member's annual contribution in order to

satisfy the amount of deficiency. The assessment shall not exceed the amount of each member's annual contribution to the pool.

L. If a workers' compensation pool fails to comply with title 23; chapter 6 or rules adopted pursuant to that chapter, the director of the industrial commission shall immediately notify the director of the department of administration and the director of the department of insurance.

(Commission Note: Contracts agreements average 4 – 6 months to be established)



### ***The Commission at a Glance***

The Arizona Commission for the Deaf and the Hard of Hearing was established in 1977 as a State agency to address the needs and concerns of Arizona's Deaf and Hard of Hearing population.

The Commission is governed by a 14-member ~~Board~~ Commission of directors appointed by the governor for a term of three years, with all programs and daily operations administered by an executive director and a staff of 16.

Daily operations include information and referral; telecommunications relay service administration, no-cost telecommunications equipment distribution, and interpreter licensure.

The Commission publishes a quarterly newsletter, produces a weekly 30-minute television program, and maintains a website and email list.

Throughout the State, the Commission promotes consumer education by conducting seminars and workshops and exhibiting an information booth at major events.

The Commission has an annual budget of approximately \$5.5 million, funded by the Telecommunication Fund. In addition it administers two private grants.

**Sherri Collins**  
Executive Director

**Melinda Villela**  
Assistant to Executive Director

**Carmen Green**  
Deputy Director

**Lynn**  
Business

**Michele Michaels**  
Hard of Hearing Specialist

**Beca Bailey**  
Deaf Specialist

**Christi Smith**  
Interpreter Assessment Coordinator

**Vacant - Freeze**  
Planner & PR Coordinator

**Emmett Hassen**  
Licensing & Certification Coordinator

**Vicki Thompson**  
AzTEDP Program Planner

**Belva Masaquaptewa**  
Accounts Payable

**Vacant**  
Telecommunication Access Specialist

**Bryanna Alton**  
Administrative Assistant

**Sheri Kerr**  
Voucher Production Technician

**Vacant - Freeze**  
Equipment & Inventory Technician

**Vacant**  
Assistant Business

## ***Commission Duties***

The Commission shall act as a bureau of information on the Deaf and the Hard of Hearing. In their capacity, the Commission staff shall:

1. Inform the Deaf and Hard of Hearing of the availability of programs and activities of the Commission and other services available at all levels of government.
2. Develop and foster a framework for consultation and cooperation with all state agencies and institutions represented on the Commission.
3. Study the issues concerning Deaf and Hard of Hearing people of all ages and periodically review the administration and operation of various programs for the Deaf and Hard of Hearing of all ages.
4. Administer the contract for the statewide distribution of telecommunications devices.
5. Administer the contract for the statewide 24-hour, 7-day telecommunications relay service.
6. Communicate all necessary information to the Board of Commission regarding new Commission appointees, staff activities, and community activities.
7. Submit an annual report to the Board of Commissioners for review prior to submission to the Governor and Legislature concerning its findings and recommendations.

<b>Chapter 17.1</b>	<b>COMMISSION FOR THE DEAF AND THE HARD OF HEARING</b>
<b>Article 1</b>	<b>In General</b>
<a href="#">36-1941</a>	Definitions
<a href="#">36-1942</a>	Commission for the deaf and the hard of hearing
<a href="#">36-1943</a>	Executive director; duties
<a href="#">36-1944</a>	Duties
<a href="#">36-1945</a>	Commission for the deaf and the hard of hearing fund; gifts and donations; annual report
<a href="#">36-1946</a>	Interpreters for the deaf and the hard of hearing; certification; licensure
<a href="#">36-1947</a>	Telecommunication devices for the deaf and the hearing and speech impaired; fund
<b>Article 2</b>	<b>Licensure</b>
<a href="#">36-1971</a>	Licensure; acts and persons not affected
<a href="#">36-1972</a>	Use of title; prohibited acts; violation; classification
<a href="#">36-1973</a>	Qualifications for licensure
<a href="#">36-1974</a>	Issuance and renewal of license; continuing education
<a href="#">36-1975</a>	Denial of licensure
<a href="#">36-1976</a>	Revocation or suspension of license
<a href="#">36-1977</a>	Right to examine and copy evidence
<a href="#">36-1978</a>	Injunctive relief; bond; service of process

**36-1941. [Definitions](#)**

In this chapter, unless the context otherwise requires:

1. "Commission" means the commission for the deaf and the hard of hearing.
2. "Deaf" means those persons who cannot generally understand speech sounds with or without a hearing aid when in optimal listening conditions.
3. "Hard of hearing" means those persons who have a degree of hearing loss greater than 40dB PTA-2, but less than 85dB PTA-2, in the better ear.
4. "Interpreting" means translating or transliterating of English concepts to any necessary specialized vocabulary used by a consumer or the translating of a consumer specialized vocabulary to English concepts.
5. "Necessary specialized vocabulary" includes American sign language, English based sign language, cued speech and oral interpreting.
6. "PTA-2" means the average of hearing levels at one thousand, two thousand and four thousand Hz.

**36-1942. [Commission for the deaf and the hard of hearing](#)**

A. The commission for the deaf and the hard of hearing is established consisting of the following members appointed by the governor:

1. One member selected from the department of economic security.
2. One member selected from the Arizona school for the deaf and the blind at Tucson or the Phoenix day school for the deaf.
3. One member who is a dispensing clinical audiologist licensed pursuant to title 36, chapter 17.
4. One member who is a hearing aid dispenser licensed pursuant to title 36, chapter 17.

5. Four members who are deaf persons.
  6. One member selected from the Arizona register of interpreters for the deaf.
  7. One member who is a parent of a deaf person.
  8. Four members who are hard of hearing.
- B. Commission members serve three years and may be reappointed once. The governor may remove a commission member for cause.
- C. The commission shall meet at least four times a year at the call of the chairman, who shall be selected by the commission from among its membership.
- D. Members of the commission are not eligible to receive compensation but are eligible to receive reimbursement of expenses pursuant to title 38, chapter 4, article 2.

#### 36-1943. Executive director; duties

- A. The commission shall appoint an executive director who serves at the pleasure of the commission. The commission may appoint other employees as necessary and shall fix their compensation and prescribe their powers and duties. With the approval of the commission, the executive director may contract for professional, technical and clerical services necessary to carry out functions of the commission.
- B. The executive director shall be a trained professional experienced in problems of the deaf and the hard of hearing and skilled in the use of manual communication, commonly referred to as sign language, and may be either a deaf person, a person who is hard of hearing or a person with normal hearing. The executive director shall assist the commission to implement its programs and activities and to implement this chapter. The executive director shall not be a commission member. The executive director is eligible to receive compensation set by the commission within the range determined pursuant to section 38-611.

#### 36-1944. Duties

The commission shall act as a bureau of information to the deaf and the hard of hearing, state agencies and institutions providing services to the deaf and the hard of hearing, local agencies of government and other public or private community agencies and programs. In this capacity, the commission shall:

1. Inform the deaf and the hard of hearing of the availability of the programs and activities of the commission and other services available for the deaf and the hard of hearing at all levels of government.
2. Develop and foster a framework for consultation and cooperation with the rehabilitation services bureau of the department of economic security and with all institutions represented on the commission.
3. Study issues relating to the deaf and the hard of hearing, review the administration and operation of the various programs for the deaf and the hard of hearing in this state and make recommendations concerning these problems and programs to the several agencies and institutions represented on the commission as it deems necessary.
4. Submit an annual report to the governor and the legislature concerning its findings and recommendations.
5. Review the problems of the deaf and the hard of hearing as they relate to the need for effective and appropriate auxiliary aids in public places.
6. Review and compile information on the development of acoustical technology for the hard of hearing and advocate the use of this technology if it deems appropriate.
7. Make recommendations to state agencies, political subdivisions and institutions on how to meet the needs of the hard of hearing.
8. Make recommendations to the legislature regarding statutory changes needed to implement a statewide newborn child hearing loss screening program.

36-1945. [Commission for the deaf and the hard of hearing fund; gifts and donations; annual report](#)

A. The commission for the deaf and the hard of hearing fund is established consisting of fees, penalties and any legislative appropriations. The commission shall administer the fund. Monies in the fund are subject to legislative appropriation.

B. The commission may accept and spend federal monies and private grants, gifts, contributions and devises to assist in carrying out the purposes of this chapter. These monies do not revert to the state general fund at the end of a fiscal year.

C. The commission shall submit an annual report to the governor on all monies accepted by the commission pursuant to subsection B, the names of the donors and the respective amounts contributed and the amount of all disbursements from the fund.

36-1946. [Interpreters for the deaf and the hard of hearing; certification; licensure](#)

The commission shall:

1. Adopt rules necessary to achieve the purposes of section 12-242.

2. By rule, classify interpreters for the deaf and the hard of hearing based on the level of interpreting skills acquired by that person.

3. By rule, establish standards and procedures for the qualification and licensure of each classification of interpreters.

4. Help establish partnerships with colleges and universities in this state to provide interpreter and support service provider training and degree programs.

5. By rule, establish standards and procedures to certify sign language teachers to teach American sign language.

6. Beginning on September 1, 2007, license interpreters for the deaf and the hard of hearing pursuant to article 2 of this chapter.

36-1971. [Licensure; acts and persons not affected](#)

A. A person shall not practice as an interpreter for the deaf and the hard of hearing without a license issued pursuant to this article. The licensure requirements of this article also apply to interpreters who provide services for legal proceedings as prescribed in section 12-242.

B. The commission by rule shall prescribe education, examination and work history requirements for the following three categories of licenses:

1. Legal.

2. Generalist.

3. Provisional.

C. This article does not apply to:

1. An interpreter who works in this state for less than twenty days if that person registers with the commission to provide interpreting services in nonlegal situations.

2. An interpreter who provides interpreting services at religious activities.

3. An interpreter who provides interpreting services on an emergency basis if the delay necessary to obtain a licensed interpreter is likely to cause injury or loss to the consumer.

4. An interpreter who works without compensation in nonlegal situations.

5. An interpreter who works in a school in this state pursuant to the individual education plan of a deaf or hard of hearing pupil. The qualifications of an interpreter working in a school in this state shall be determined by the individualized education program team. A school district shall inform a parent or guardian of a deaf or hard of hearing pupil of the parent or guardian's right to request a licensed interpreter.

6. Activities and services of an interpreter intern or student in training if both of the following are true:
- (a) The interpreter is enrolled in a program of study in interpreting at an accredited institution of higher learning.
  - (b) The interpreter works under the supervision of a person licensed pursuant to this article as part of a supervised program of study and is identified to all consumers as an interpreter intern or student in training.

**36-1972. Use of title: prohibited acts: violation: classification**

- A. A person who is not licensed pursuant to this article shall not:
- 1. Use any title, abbreviation, words, letters, signs or figures to indicate that the person is licensed pursuant to this chapter.
  - 2. Practice as an interpreter for the deaf and the hard of hearing.
  - 3. Use another person's license.
- B. A person who violates this section is guilty of a class 2 misdemeanor.

**36-1973. Qualifications for licensure**

- A. To receive a license to practice as an interpreter pursuant to this article a person shall submit an application and application fee as prescribed by the commission.
- B. The applicant shall document to the commission's satisfaction that the applicant has successfully completed the education, examination and work history requirements for the specific category of license for which the licensee is applying.

**36-1974. Issuance and renewal of license: continuing education**

- A. The executive director shall issue a license when the applicant has satisfied all of the requirements for licensure under this article.
- B. A license issued pursuant to this article is subject to annual renewal on the licensee's birthday and terminates thirty days after that date unless it is renewed.
- C. Each licensee shall renew the license not earlier than sixty days before and not later than thirty days after the license expires by submitting the renewal fee and a completed renewal form. A licensee who does not renew a license as required by this article must also pay a penalty fee as prescribed by the commission for late renewal. A person who practices interpreting in this state after that person's license has expired is in violation of this article.
- D. A person whose license terminates shall submit an application and application fee as an original applicant for licensure.
- E. The commission by rule may prescribe continuing education requirements as a condition of license renewal.

**36-1975. Denial of licensure**

The commission may refuse to issue or renew a license if the commission finds that any of the following is true:

- 1. The applicant committed fraud or misrepresentation in applying for a license in this state or another state.
- 2. The applicant was convicted of a felony offense or any other offense involving moral turpitude.
- 3. The applicant does not meet minimum qualifications as prescribed by this article.
- 4. The applicant was adjudicated insane or incompetent.
- 5. The applicant engaged in fraud, dishonesty or corruption on a certification examination in another state.

[36-1976. Revocation or suspension of license](#)

A. The commission may revoke or suspend a license issued under this article, place a licensee on probation, issue a reprimand or impose a civil penalty for any of the following reasons:

1. Unprofessional conduct.
2. A violation of this article.
3. Gross negligence or incompetence in the performance of duties.
4. Fraud, dishonesty or corruption.
5. Inability to perform the duties of an interpreter at a level of skill that is required by the commission.
6. Conviction of a felony offense or any other offense involving moral turpitude.
7. Failing to meet minimum qualifications as prescribed by this article.
8. Adjudication of insanity or incompetency.

B. Before it takes disciplinary action pursuant to this section, the commission shall give a licensee notice and an opportunity for a hearing pursuant to its rules.

C. The commission may issue subpoenas, examine witnesses and administer oaths pursuant to a hearing held under this section.

[36-1977. Right to examine and copy evidence](#)

In connection with a commission investigation conducted pursuant to section 36-1976, the commission at all reasonable times has the right to examine and copy any documents, reports, records or other physical evidence of any person being investigated or reports, records and any other documents maintained by and in the possession of any public or private agency if the commission believes this information is related to unprofessional conduct or the mental or physical ability of a licensee to practice pursuant to this article.

[36-1978. Injunctive relief; bond; service of process](#)

A. In addition to all other available remedies, if the commission has any reason to believe that a person has violated this article or a commission rule, the commission through the attorney general or the county attorney of the county in which the violation is alleged to have occurred may apply to the superior court in that county for an injunction restraining that person from engaging in the violation.

B. The court shall issue a temporary restraining order, a preliminary injunction or a permanent injunction without requiring the commission to post a bond.

C. Service of process may be on the defendant in any county of this state where the defendant is found.

**Chapter 2**                      **BOARD OF SUPERVISORS**  
**Article 6.1**                    **Handling of Animals**

[11-1024](#)

Service animals; rights of individuals with disabilities; violation; classification; definitions

[11-1024. Service animals; rights of individuals with disabilities; violation; classification; definitions](#)

A. Any person or entity that operates a public place shall not discriminate against individuals with disabilities who use service animals.

B. It is not discriminatory to exclude a service animal from a public place if one or more of the following apply:

1. The animal poses a direct threat to the health or safety of others.
  2. The animal fundamentally alters the nature of the public place or the goods, services or activities provided.
  3. The animal poses an undue burden.
- C. Public places may maintain a general no pets policy if it is not used to exclude service animals and if it does not grant rights to any person to bring the person's pet into a public place that otherwise does not permit pets.
- D. A service animal handler is liable for any damage done to a public place by the service animal or service animal in training.
- E. Any trainer or individual with a disability may take an animal being trained as a service animal to a public place for purposes of training it to the same extent as provided in subsections A, B and C of this section.
- F. A zoo or wild animal park may prohibit a service animal, including a dog guide or service dog, from any area of the zoo or wild animal park where the service animal may come into direct contact with the animals contained in the zoo or wild animal park. Service animals shall not be excluded from public walkways or sidewalks or from any area that allows for physical barriers between the service animals, dog guides or service dogs and the animals in the zoo or wild animal park. Any zoo or wild animal park that prohibits dog guides and service dogs shall provide without cost adequate facilities for the temporary confinement of dog guides and service dogs. The facilities shall be adequate to accommodate the anticipated attendance of legally blind, deaf or physically disabled persons, shall be in an area not accessible to the general public, shall provide water for the dog guides and service dogs and shall otherwise be safe, clean and comfortable. The zoo or wild animal park on request by a legally blind person who is required to leave that person's dog guide or service dog pursuant to this subsection shall provide a sighted escort if the legally blind person is unaccompanied by a sighted person.
- G. The driver of a vehicle approaching a legally blind pedestrian who is carrying a cane that is predominately white or metallic in color, who is using a service animal or who is assisted by a sighted person shall yield the right-of-way and take reasonable precautions to avoid injury to the pedestrian and the service animal. The pedestrian has the same rights as any other person whether or not the pedestrian is carrying the cane, using a service animal or being assisted by a sighted person. Drivers shall take the same precautions with respect to pedestrians who have a disability other than blindness and their service animals. A driver who violates this subsection is liable for damages for any injury caused to the pedestrian or the service animal.
- H. Any person or entity that violates subsections A through G of this section is guilty of a class 2 misdemeanor.
- I. This section is not intended to affect any civil remedies available for a violation of this section.
- J. For the purposes of this section:
1. "Direct threat to the health or safety of others" means that a significant risk to the health or safety of others exists and cannot be eliminated by modification of policies, practices or procedures or by the provision of auxiliary aids or services.
  2. "Discriminate" means discriminatory actions prescribed in section 41-1492.02 and includes:
    - (a) Refusing to permit an individual with a disability to enter a public place with a service animal or interfering with the individual's right to enter or use the public place.
    - (b) Failing to provide an individual with a disability the same services and access to the same areas of the premises as afforded to others.
    - (c) Attempting to impose a charge, fee or deposit because an individual with a disability is accompanied by a service animal.
    - (d) Requiring an individual with a disability to disclose disability related information. However, a public accommodation may ask if the animal is a service animal being used because of a disability.
    - (e) Requiring provision of identification for the service animal.
  3. "Individual with a disability" means an individual who has a physical or mental impairment that substantially limits one or more of the major life activities of the individual.

4. "Public place" means any office or place of business or recreation to which the general public is invited, whether operated by a public or private entity and includes all forms of conveyance, including taxis, tow trucks and ambulances.
5. "Service animal" means any guide dog, signal dog or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing assistance in a medical crisis, pulling a wheelchair or fetching dropped items.
6. "Wild animal park" means an entity that is open to the public on a regular basis, that is licensed by the United States department of agriculture as an exhibit and that is operating primarily to conserve, propagate and exhibit wild and exotic animals.

<b>Chapter 7.2</b>	<b>CHILD HEARING PROGRAMS</b>
<b>Article 1</b>	<b>Program of Hearing Evaluation Services</b>
<a href="#">36-899</a>	Definitions
<a href="#">36-899.01</a>	Program for all school children; administration
<a href="#">36-899.02</a>	Powers of the department; limitations
<a href="#">36-899.03</a>	Rules and regulations
<a href="#">36-899.04</a>	Parent, guardian may refuse test

**36-899. Definitions**

In this chapter, unless the context otherwise requires:

1. "Department" means the department of health services.
2. "Director" means the director of the department of health services.
3. "Hearing evaluation services" means services which include the identification, testing, evaluation and initiation of follow-up services as defined in the rules and regulations of the department, as provided by section 36-899.03.
4. "Hearing screening evaluation" means the evaluation of the ability to hear certain frequencies at a consistent loudness.
5. "Private education program" means all programs of private education offering courses of study for grades, kindergarten through the twelfth grade of high school.
6. "Public education program" means all kindergarten, primary and secondary programs of education within the public school system, including but not beyond the twelfth grade of common or high school.

**36-899.01. Program for all school children; administration**

- A. A program of hearing evaluation services is established by the department. Such services shall be administered to all children as early as possible, but in no event later than the first year of attendance in any public or private education program, or residential facility for handicapped children, and thereafter as circumstances permit until the child has attained the age of sixteen years or is no longer enrolled in a public or private education program.
- B. The program of hearing evaluation services for children in a public education program shall be administered by the department with the aid of the department of education.

**36-899.02. Powers of the department; limitations**

- A. The department may, in administering the program of hearing evaluation services:
  1. Provide consulting services, establish or supplement hearing evaluation services in local health departments, public or private education programs or other community agencies.

2. Provide for the training of personnel to administer hearing screening evaluations.
  3. Delegate powers and duties to other state agencies, county and local health departments, county and local boards of education or boards of trustees of private education programs or other community agencies to develop and maintain periodic hearing evaluation services.
  4. Provide services by contractual arrangement for the development and maintenance of periodic hearing evaluation services.
  5. Accept reports of hearing evaluation from qualified medical or other professional specialists employed by parents or guardians for hearing evaluation when such reports are submitted to the department.
- B. The department shall not replace any qualified existing service.

**36-899.03. Rules and regulations**

The director shall develop rules and regulations governing standards, procedures, techniques and criteria for conducting and administering hearing evaluation services.

**36-899.04. Parent, guardian may refuse test**

No child shall be required to submit to any test required by this chapter if a parent or guardian of the child objects and submits a statement of such objection to the agency administering such hearing evaluation services.



# **TITLE 9. HEALTH SERVICES**

## **CHAPTER 26. COMMISSION FOR THE DEAF AND THE HARD OF HEARING**

### **Supp. 07-4**

(Authority: A.R.S. §§ 36-1946 and 36-1947 et seq.)

#### **ARTICLE 1. GENERAL**

##### Section

R9-26-101. Definitions

#### **ARTICLE 2. TELECOMMUNICATIONS EQUIPMENT DISTRIBUTION PROGRAM**

##### Section

R9-26-201. Eligibility

R9-26-202. Application Process

R9-26-203. Persons Authorized to Certify Need for Telecommunications Equipment

R9-26-204. Vouchers

R9-26-205. Redeeming a Voucher

R9-26-206. Confidentiality

R9-26-207. Repealed

#### **ARTICLE 3. ADMINISTRATIVE PROCEDURES**

##### Section

R9-26-301. Hearings

R9-26-302. Informal Settlement Conference

R9-26-303. Rehearing or Review of Decision

R9-26-304. Renumbered

R9-26-305. Renumbered

#### **ARTICLE 4. RELAY SERVICES**

##### Section

R9-26-401. Expired

R9-26-402. Expired

R9-26-403. Repealed

#### **ARTICLE 5. INTERPRETER LICENSURE AND REGULATION**

(Authority: A.R.S. § 36-1946(A))

Article 5, consisting of Sections R9-26-501 through R9-26-511, adopted effective April 4, 1997 (Supp. 97-2).

##### Section

R9-26-501. Definitions

R9-26-502. License Application

- R9-26-503. Application for Generalist Interpreter License
- R9-26-504. Application for Legal Interpreter License
- R9-26-505. Application for Provisional Interpreter License
- R9-26-506. Short-term Registration of an Interpreter
- R9-26-507. License Renewal
- R9-26-508. Licensing Fees
- R9-26-509. Procedures for Processing Applications; Time-frames
- R9-26-510. Continuing Education Requirement
- R9-26-511. Audit of Compliance with Continuing Education Requirement
- R9-26-512. Making a Complaint
- R9-26-515. Hearing Procedures
- R9-26-516. Rehearing or Review of Commission Decision
- R9-26-517. Disciplinary Action
- R9-26-518. Change of Name or Address

**ARTICLE 1. GENERAL**

**R9-26-101. Definitions**

In addition to the definitions listed in A.R.S. § 36-1941, the following terms apply to this Chapter and to A.R.S. § 36-1947:

- "Applicant" means a person who applies to the Commission for telecommunications equipment.
- "Audiologist" means a person who is licensed under A.R.S. § 36-1940 by the Arizona Department of Health Services.
- "Commission" means the Arizona Commission for the Deaf and Hard of Hearing.
- "Deafblind" means a person who is either deaf or hard of hearing and:
  - Has a central visual acuity of 20/200 or less in the better eye with corrective lenses, or
  - Has a field defect where the peripheral diameter of the visual field subtends an angular distance no greater than 20 degrees, or
  - Has a progressive visual loss with a prognosis of one or both of the conditions stated in the two preceding subsections.
- "Director" means the Executive Director of the Arizona Commission for the Deaf and Hard of Hearing.
- "Hearing aid dispenser" has the same meaning as in A.R.S. § 36-1901(8).
- "Hearing or speech-related disability" means a disability that prevents a person from hearing or articulating speech audibly or clearly, including deafness.
- "Program" means the Telecommunications Equipment Distribution Program.
- "Recipient" means a person who receives telecommunications equipment through the Program.
- "Relay operator" means a person hired by a telecommunication relay center to transmit a conversation between a person who is hearing or speech-related disabled and another person who uses a standard telephone.
- "Severely hearing or speech impaired" under A.R.S. § 36-1947(A) means a hearing or speech-related disability.
- "Telecommunications equipment" means equipment that allows a person with a hearing or speech-related disability to access the telephone network.
- "Telecommunication relay center" means a facility authorized by the Commission to provide telecommunication services through a third party to a person with a hearing or speech-related disability, and to any other person who uses a standard telephone.
- "Vendor" means a person who sells telecommunications equipment.
- "Vocational rehabilitation counselor" means a Department of Economic Security employee who has a Master's degree in rehabilitation counseling from a university accredited by the National Council on Rehabilitation Education and who is certified by the Commission on Rehabilitation Counseling.
- "Voucher" means the Commission's authorization of payment for telecommunications equipment.

**Historical Note**

Adopted effective May 12, 1986 (Supp. 86-3). Amended by final rulemaking at 6 A.A.R. 3827, effective September 15, 2000 (Supp. 00-3). Amended by final rulemaking at 8 A.A.R. 4292, effective November 18, 2002 (Supp. 02-3).

**ARTICLE 2. TELECOMMUNICATIONS EQUIPMENT DISTRIBUTION PROGRAM**

**R9-26-201. Eligibility**

To be eligible for telecommunications equipment through the Program, a person shall:

1. Reside in Arizona;

2. Have a need for telecommunications equipment available through the Program due to a hearing or speech-related disability, as certified by an authorized person described in R9-26-203;
3. Have access to a telephone line in the person's place of residence;
4. Not have used a voucher to purchase telecommunications equipment within five years before the date of application under R9-26-202(A)(1) unless the individual's disability status has changed during that time; and,
5. Have returned to the Commission all telecommunications equipment that was distributed to the person by the Commission before June 30, 2002.

**Historical Note**

Adopted effective May 12, 1986 (Supp. 86-3). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 3827, effective September 15, 2000 (Supp. 00-3). Section repealed; new Section made by final rulemaking at 8 A.A.R. 4292, effective November 18, 2002 (Supp. 02-3).

**R9-26-202. Application Process**

To apply for telecommunications equipment under the Program, an eligible person shall:

1. Request an application for participation in the Program from the Commission; and
2. Complete and return the application to the Commission with certification from an authorized person described under A.A.C. R9-26-203 that the applicant has a hearing or speech-related disability and needs the telecommunication equipment requested on the application.

**Historical Note**

Adopted effective May 12, 1986 (Supp. 86-3). Section repealed; new Section R9-26-202 renumbered from R9-26-301 and amended by final rulemaking at 6 A.A.R. 3827, effective September 15, 2000 (Supp. 00-3). Section repealed; new Section made by final rulemaking at 8 A.A.R. 4292, effective November 18, 2002 (Supp. 02-3).

**R9-26-203. Persons Authorized to Certify Need for Telecommunications Equipment**

- A. The following licensed professionals may certify an applicant's hearing or speech-related disability and need for the requested telecommunications equipment:
  1. A dispensing audiologist licensed in accordance with A.R.S. Title 36, Chapter 17;
  2. An audiologist licensed in accordance with A.R.S. Title 36, Chapter 17;
  3. A physician licensed in accordance with A.R.S. Title 32, Chapter 13;
  4. A physician assistant licensed in accordance with A.R.S. Title 32, Chapter 25;
  5. A nurse practitioner licensed in accordance with A.R.S. Title 32, Chapter 15;
  6. A speech-language pathologist licensed in accordance with A.R.S. Title 36, Chapter 17;
  7. A hearing aid dispenser licensed in accordance with A.R.S. Title 36, Chapter 17; or
  8. A vocational rehabilitation counselor.
- B. By certifying a hearing or speech-related disability and need for the requested telecommunications equipment, the certifier attests that the certifier:
  1. Is authorized to certify under subsection (A);
  2. Has evaluated the applicant's hearing or speech-related disability to determine the applicant's need for the telecommunications equipment requested on the application; and
  3. Has determined that the applicant will benefit from the telecommunications equipment requested on the application.

**Historical Note**

Adopted effective May 12, 1986 (Supp. 86-3). Section repealed; new Section R9-26-203 renumbered from R9-26-304 and amended by final rulemaking at 6 A.A.R. 3827, effective September 15, 2000 (Supp. 00-3). Section repealed; new Section made by final rulemaking at 8 A.A.R. 4292, effective November 18, 2002 (Supp. 02-3).

**R9-26-204. Vouchers**

- A. The Commission shall issue to an eligible applicant an individually numbered voucher for a specified dollar amount for the applicant to purchase telecommunications equipment for which the applicant has a certified need. The voucher shall be used only towards the purchase of the telecommunications equipment specified on the voucher.
- B. Vouchers are non-transferable and have no cash value.
- C. A voucher expires 90 days after its issuance date.
- D. If a voucher is lost or stolen, the applicant may apply for a replacement voucher by requesting, completing and returning to the Commission a replacement voucher form in which the applicant shall attest under penalty of perjury that:
  1. The original voucher was stolen or lost; and
  2. If the original voucher is recovered, the original voucher shall be returned to the Commission within 30 days of its recovery date.

**Historical Note**

Adopted effective May 12, 1986 (Supp. 86-3). Section repealed; new Section R9-26-204 renumbered from R9-26-305 and amended by final rulemaking at 6 A.A.R. 3827, effective September 15, 2000 (Supp. 00-3). Section repealed; new Section made by final rulemaking at 8 A.A.R. 4292, effective November 18, 2002 (Supp. 02-3).

**R9-26-205. Redeeming a Voucher**

- A. To redeem a voucher for telecommunications equipment under this Program, a vendor shall submit to the Commission the voucher with a copy of a receipt, which is signed by the vendor and the recipient of the telecommunications equipment and which specifies the telecommunications equipment sold and its purchase price.
- B. The Commission shall verify the accuracy of information submitted on the receipt and the validity of the voucher.
- C. The Commission shall reimburse to the vendor the portion of the purchase price of the telecommunications equipment that does not exceed the amount printed on the voucher.
- D. The Commission shall not reimburse to the vendor an amount in excess of the amount printed on the voucher.
- E. If the amount printed on the voucher exceeds the purchase price of the telecommunications equipment, the vendor shall not refund the difference between the two amounts to the recipient of the telecommunications equipment in any form including money, equipment, or other goods and services.

**Historical Note**

Adopted effective May 12, 1986 (Supp. 86-3). Section renumbered to R9-26-302 by final rulemaking at 6 A.A.R. 3827, effective September 15, 2000 (Supp. 00-3). New Section made by final rulemaking at 8 A.A.R. 4292, effective November 18, 2002 (Supp. 02-3).

**R9-26-206. Confidentiality**

- A. The Commission shall use the information provided by the Program's applicants or recipients in the course of the administration of the Program solely to administer the Program.
- B. The Commission shall not disclose the name of an applicant for or a recipient of telecommunications equipment without a written request for disclosure.

**Historical Note**

Adopted effective May 12, 1986 (Supp. 86-3). Section renumbered to R9-26-301 by final rulemaking at 6 A.A.R. 3827, effective September 15, 2000 (Supp. 00-3). New Section made by final rulemaking at 8 A.A.R. 4292, effective November 18, 2002 (Supp. 02-3).

**R9-26-207. Repealed**

**Historical Note**

Adopted effective May 12, 1986 (Supp. 86-3). Section repealed by final rulemaking at 6 A.A.R. 3827, effective September 15, 2000 (Supp. 00-3).

**ARTICLE 3. ADMINISTRATIVE PROCEDURES**

**R9-26-301. Hearings**

- A. Within 30 days of a notice of denial from the Director, the applicant or recipient may file a notice of appeal under A.R.S. § 41-1092.03 with the Commission. The notice shall identify the party, the party's address, the agency, the action being appealed, and shall contain a concise statement of the reasons for the hearing.
- B. The hearing shall be conducted by the Office of Administrative Hearings as prescribed in A.R.S. Title 41, Chapter 6, Article 10.

**Historical Note**

Adopted effective May 12, 1986 (Supp. 86-3). Section renumbered to R9-26-202; new Section R9-26-301 renumbered from R9-26-206 and amended by final rulemaking at 6 A.A.R. 3827, effective September 15, 2000 (Supp. 00-3).

**R9-26-302. Informal Settlement Conference**

- A. An applicant or recipient whose request for an original or replacement device is denied and who has filed an appeal under A.R.S. § 41-1092.03, may request in writing that the Director hold an informal settlement conference.
- B. The informal settlement conference shall be held within 15 days after receiving the request and shall follow the procedures under A.R.S. § 41-1092.06.

**Historical Note**

Adopted effective May 12, 1986 (Supp. 86-3). Section repealed; new Section R9-26-302 renumbered from R9-26-205 and amended by final rulemaking at 6 A.A.R. 3827, effective September 15, 2000 (Supp. 00-3).

**R9-26-303. Rehearing or Review of Decision**

- A. Any party to a case who is aggrieved by a decision rendered in the case may, within 30 days after the date of the Commission's decision, file with the Director a written request for a rehearing or review of the decision. The request shall specify the particular grounds for the rehearing or review. The requesting party shall serve copies upon all other parties. A request for rehearing or review under this Section may be amended at any time before it is ruled upon by the Director.
- B. The opposing party may file a response to the request for a rehearing or review within 15 days after the written request is received.
- C. A rehearing or review of the decision may be granted for any of the following causes which materially affect the requesting party's rights:
  - 1. Irregularity in the proceedings or any abuse of discretion that deprives the requesting party of a fair hearing;
  - 2. Misconduct of the hearing officer or the prevailing party;
  - 3. Accident or surprise that could not have been prevented by ordinary prudence;
  - 4. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the original hearing;
  - 5. Excessive or insufficient penalties;
  - 6. Error in the admission or rejection of evidence or other errors of law occurring during the proceedings;
  - 7. That the decision is the result of passion or prejudice; or
  - 8. That the decision is not supported by the evidence or is contrary to law.
- D. Upon examination of a request for rehearing or review and any response, the Director may affirm or modify the decision.
- E. Within 15 days after a decision is rendered, the Director may, on the Director's own initiative, order a rehearing or review of a decision for any reason for which a rehearing on motion of a party might have been granted. The order granting the rehearing shall specify the grounds for the review of the decision.

**Historical Note**

Adopted effective May 12, 1986 (Supp. 86-3). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 3827, effective September 15, 2000 (Supp. 00-3).

**R9-26-304. Renumbered**

**Historical Note**

Adopted effective May 12, 1986 (Supp. 86-3). Section renumbered to R9-26-203 by final rulemaking at 6 A.A.R. 3827, effective September 15, 2000 (Supp. 00-3).

**R9-26-305. Renumbered**

**Historical Note**

Adopted effective May 12, 1986 (Supp. 86-3). Section renumbered to R9-26-204 by final rulemaking at 6 A.A.R. 3827, effective September 15, 2000 (Supp. 00-3).

**ARTICLE 4. RELAY SERVICES**

**R9-26-401. Expired**

**Historical Note**

Adopted effective May 12, 1986 (Supp. 86-3). Amended by final rulemaking at 6 A.A.R. 3827, effective September 15, 2000 (Supp. 00-3). Section expired under A.R.S. § 41-1056(E) at 13 A.A.R. 4411, effective September 30, 2007 (Supp. 07-4).

**R9-26-402. Expired**

**Historical Note**

Adopted effective May 12, 1986 (Supp. 86-3). Amended by final rulemaking at 6 A.A.R. 3827, effective September 15, 2000 (Supp. 00-3). Section expired under A.R.S. § 41-1056(E) at 13 A.A.R. 4411, effective September 30, 2007 (Supp. 07-4).

**R9-26-403. Repealed**

**Historical Note**

Adopted effective May 12, 1986 (Supp. 86-3). Section repealed by final rulemaking at 6 A.A.R. 3827, effective September 15, 2000 (Supp. 00-3).

#### ARTICLE 5. INTERPRETER LICENSURE AND REGULATION

##### R9-26-501. Definitions

In addition to the definitions in A.R.S. §§ 12-242 and 36-1941, in this Article, the following definitions apply unless otherwise specified:

"ACCI" means American Consortium of Certified Interpreters, an organization that certifies interpreters at one of three levels: ACCI Generalist, ACCI Advanced, or ACCI Master.

"Accredited" means approved by the:

New England Association of Schools and Colleges,  
Middle States Association of Colleges and Secondary Schools,  
North Central Association of Colleges and Schools,  
Northwest Association of Schools and Colleges,  
Southern Association of Colleges and Schools, or  
Western Association of Schools and Colleges.

"Applicant" means an individual seeking an original or renewal license from the Commission.

"Application" means the documents, forms, and additional information required by the Commission to be submitted by or on behalf of an applicant.

"CDI" means certified deaf interpreter, a certification issued by RID.

"CI" means certificate of interpretation, a certification issued by RID.

"CLIP-R" means conditional legal interpreting permit--relay, a certification issued by RID to a deaf or hard-of-hearing interpreter or transliterator who works in a legal setting.

"Continuing education" means a workshop, seminar, lecture, conference, class, or other educational activity relevant to the practice of interpreting.

"CSC" means comprehensive skills certificate, a certification issued by RID.

"CT" means certificate of transliteration, a certification issued by RID.

"Direct supervision" means an individual licensed under R9-26-503 or R9-26-504 is physically present when an individual licensed under R9-26-505 provides interpreting services.

"EIPA" means educational interpreter performance assessment, a diagnostic tool that measures proficiency in interpreting for children or young adults in an educational setting.

"Generalist interpreter" means an individual who provides interpreting in any community setting for which the individual is qualified by education, examination, and work history.

"IAC" means interpreter advisory committee.

"IC" means interpretation certificate, a certification issued by RID.

"Interpreter" means an individual who provides interpreting.

"Legal interpreter" means an individual who is qualified by education, examination, and work history to provide interpreting in a legal setting.

"Class A legal interpreter" means a legal interpreter who provides interpreting in court, a police environment, or administrative adjudicatory proceedings.

"Class B legal interpreter" means a legal interpreter who provides interpreting in administrative adjudicatory proceedings only.

"Class C legal interpreter" means a legal interpreter who provides interpreting in a legal setting when teamed with a Class A or Class B legal interpreter.

"Class D legal interpreter" means a legal interpreter who is also either a deaf or hard-of-hearing interpreter or an oral transliterator.

"Legal training" means a structured program presented by the Commission, a court, Bar Association, law-enforcement association, RID, accredited institution, or comparable organization, providing information relevant to legal interpreting such as the following:

The requirements of A.R.S. § 12-242,  
The structure of the judiciary system of this state,  
The judiciary process of this state,  
Administrative adjudicatory procedures,  
Law enforcement procedures related to interpreting, or  
Commonly used legal terms.

"Licensee" means an interpreter who holds a current license issued under A.R.S. § 36-1974 and this Article.

"Mentor" means an individual licensed under R9-26-503 or R9-26-504 who agrees to assist a provisional licensee to develop as an interpreter by occasionally observing the provisional licensee providing interpreting services and providing feedback.

"MCSC" means master comprehensive skills certificate, a certification issued by RID.

"NAD" means the National Association of the Deaf, which issues three levels of certification: NAD III (generalist), NAD IV (advanced), and NAD V (master).

"NIC" means National Interpreter Certification, a certification issued by NAD-RID at one of three levels, NIC Certified, NIC Advanced, or NIC Master.

"OIC" means oral interpreting certificate, a certification issued by RID in one of three categories: comprehensive, spoken to visible, or visible to spoken.

"Oral transliteration" means to facilitate communication between an individual who is deaf or hard of hearing and an individual who hears by using inaudible speech and natural gestures to convey a message to the deaf or hard-of-hearing individual and understanding and verbalizing the message and intent of the speech and mouth movements of the individual who is deaf or hard of hearing.

"OTC" means oral transliteration certificate, a certification issued by RID.

"Provisional interpreter" means an individual who is qualified by education, examination, and work history to provide interpreting while pursuing RID certification.

"Class A provisional interpreter" means a provisional interpreter who provides oral transliteration and does not have an OTC.

"Class B provisional interpreter" means a provisional interpreter who was paid for interpreting services before the effective date of this Article and is qualified to provide interpreting services when working with a mentor or when teamed with an individual licensed under R9-26-503 or R9-26-504.

"Class C provisional interpreter" means a provisional interpreter who is qualified to provide interpreting services only under direct supervision.

"Class D provisional interpreter" means a provisional interpreter who is deaf or hard of hearing and does not have a CDI.

"Qualified interpreter" means an individual licensed under this Chapter who is able to interpret effectively, accurately, and impartially both receptively and expressively, using any necessary specialized vocabulary required by the interpreting situation.

"RID" means Registry of Interpreters for the Deaf.

"RSC" means reverse skills certificate, a certification issued by RID.

"SC:L" means specialist certificate: legal, a certification issued by RID.

"SC:PA" means specialist certificate: performing arts, a certification issued by RID.

"TC" means transliteration certificate, a certification issued by RID.

"Team" means two or more licensed interpreters providing interpreting for an individual or group of individuals during a single interpreting session.

"Unprofessional conduct," as used in A.R.S. § 36-1976, means violation of the NAD-RID Code of Professional Conduct, 2005, which is incorporated by reference and available from the Commission and RID, 333 Commerce Street, Alexandria, VA 22314, or [www.rid.org](http://www.rid.org). The material incorporated includes no later edition or amendment.

#### **Historical Note**

Adopted effective April 4, 1997 (Supp. 97-2). Amended by final rulemaking at 13 A.A.R. 1720, effective May 1, 2007 (Supp. 07-2).

### **R9-26-502. License Application**

- A. An applicant for an original license shall submit to the Commission the following information, on an application form provided by the Commission:
1. Applicant's full name;
  2. Applicant's Social Security number;
  3. Applicant's home or business address;
  4. Applicant's e-mail address;
  5. Applicant's home, business, or mobile telephone number;
  6. Applicant's birth date;
  7. Any name by which the applicant has ever been known;
  8. Category of licensure for which application is made and if applicable, the class of legal or provisional interpreter license for which application is made;
  9. Name of any state or foreign country in which the applicant is or has been licensed or certified to practice as an interpreter, the license or certificate number, date issued, date expired, and a statement whether the license or certificate is or has ever been the subject of discipline and if the answer is yes, a complete explanation of the discipline including date, nature of complaint, and discipline imposed;
  10. A statement of whether the applicant has ever been denied a license or certificate to practice as an interpreter by a government licensing authority and if the answer is yes, a complete explanation of the denial including date, name of the government licensing authority, and reason for denial;
  11. A statement of whether the applicant has ever been convicted of a felony or of an offense involving moral turpitude in this or any other jurisdiction and if the answer is yes, a complete explanation of the charge and place and date of conviction;
  12. A statement of whether the applicant has been adjudicated insane or incompetent and if the answer is yes, a complete explanation including date and place of adjudication;
  13. A statement of whether the applicant wishes to have the applicant's professional credentials and contact information listed on the Commission's web site and in Commission materials; and
  14. A statement signed by the applicant verifying the truthfulness of the information provided and affirming that the applicant will comply with the NAD-RID Code of Professional Conduct.
- B. In addition to the form required under subsection (A), an applicant shall submit or have submitted on the applicant's behalf the following:
1. Documentation of name change if the applicant is applying under a name different from the name on the applicant's credentials;
  2. A photocopy of the applicant's:

- a. High school diploma or GED, or
- b. Diploma from an accredited college or university;
- 3. If the answer to subsection (A)(10), (A)(11), or (A)(12) is yes, a copy of any relevant order; and
- 4. The fee required under R9-26-508.

**Historical Note**

Adopted effective April 4, 1997 (Supp. 97-2). Section repealed; new Section made by final rulemaking at 13 A.A.R. 1720, effective May 1, 2007 (Supp. 07-2).

**R9-26-503. Application for Generalist Interpreter License**

To apply for a generalist interpreter license, an applicant shall:

- 1. Comply with R9-26-502; and
- 2. Submit a photocopy of the front of the applicant's current RID membership card showing that the applicant holds one or more of the following certifications:
  - a. NAD III, IV, or V;
  - b. RID CDI, CI, CLIP-R, CSC, CT, IC, MCSC, OIC, OTC, RSC, SC:L, SC:PA, or TC; or
  - c. NIC Certified, Advanced, or Master.

**Historical Note**

Adopted effective April 4, 1997 (Supp. 97-2). Section repealed; new Section made by final rulemaking at 13 A.A.R. 1720, effective May 1, 2007 (Supp. 07-2).

**R9-26-504. Application for Legal Interpreter License**

A. To apply for a legal interpreter license, an applicant shall comply with R9-26-502 and submit documentation of the following:

- 1. Certification by RID or NAD.
  - a. For a Class A legal interpreter license, SC:L, NIC Advanced or Master, NAD IV or V, CI and CT, or CSC is required;
  - b. For a Class B legal interpreter license, NIC Advanced or Master, NAD IV or V, CI, CT, or CSC is required;
  - c. For a Class C legal interpreter license, NIC Certified, Advanced, or Master, NAD III, IV, or V, CI, CT, or CSC is required; and
  - d. For a Class D legal interpreter license, CDI, CLIP-R, OIC, or OTC is required;
- 2. Hours of paid interpreting after initial certification by RID or NAD.
  - a. For a Class A, Class B, or Class C legal interpreter license, 10,000 hours are required; and
  - b. For a Class D legal interpreter license, 25 hours are required; and
- 3. Hours of legal training. Twenty-four hours in the five years before the date of application are required.

B. The Commission shall accept the following documentation:

- 1. RID or NAD certification.
  - a. A photocopy of the front of the current membership card provided by RID or NAD, and
  - b. A photocopy of the certificate provided by RID or NAD or a copy of the letter received from RID or NAD at the time of initial certification;
- 2. Hours of paid interpreting.
  - a. An applicant shall submit an affidavit affirming that the applicant provided the number of hours of paid interpreting required under subsection (A)(2) after initial certification by RID or NAD; and
  - b. Within the time provided under R9-26-509(F) and upon receipt of a comprehensive written request for documentation of the hours of paid interpreting provided, an applicant shall submit evidence that demonstrates the truthfulness of the affirmation provided under subsection (B)(2)(a).
- 3. Hours of legal training. A photocopy of a certificate of attendance from the organization providing the legal training that includes the information required under R9-26-510(C).

**Historical Note**

Adopted effective April 4, 1997 (Supp. 97-2). Section repealed; new Section made by final rulemaking at 13 A.A.R. 1720, effective May 1, 2007 (Supp. 07-2).

**R9-26-505. Application for Provisional Interpreter License**

A. To apply for a provisional interpreter license, an applicant shall comply with R9-26-502 and submit documentation of the following:

- 1. Education. The following hours of participation in an interpreter-preparation training program offered by an accredited college or university or approved by RID:
  - a. Class A or D provisional license: 40 hours; and
  - b. Class B or C provisional license: 80 hours;
- 2. Examination. Pass the written portion of the NIC or RID examination; and
- 3. Work experience. The following hours of interpreting for which a license is not required under A.R.S. § 36-1971:
  - a. Class A provisional license: 24 hours;
  - b. Class B provisional license:

- i. 150 hours for which the applicant received pay before May 1, 2007;
    - ii. A score of at least 4.0 on the EIPA performance test; or
    - iii. ACCI certification;
  - c. Class C provisional license: 80 hours; and
  - d. Class D provisional license: 40 hours.
- B. In addition to the documentation required under subsection (A):
  - 1. An applicant for a provisional interpreter license shall ensure that letters of recommendation are submitted directly to the Commission by two individuals who are familiar with the applicant's skill as an interpreter. An individual who submits a letter of recommendation shall use a form that is available from the Commission and provide the following information:
    - a. Name of the applicant for a provisional interpreter license;
    - b. The following information about the individual completing the letter of recommendation form:
      - i. Name;
      - ii. Telephone number;
      - iii. Interpreter license number, if any;
      - iv. How long the individual has known the applicant;
      - v. The capacity in which the individual knows the applicant; and
      - vi. Why the individual believes the individual is qualified to assess the applicant's skill as an interpreter;
    - c. An assessment of the applicant's receptive, expressive, and voicing skills; and
    - d. The individual's dated signature.
  - 2. An applicant for a Class B provisional license shall:
    - a. Have a letter submitted directly to the Commission by an individual licensed under R9-26-503 or R9-26-504 indicating that the individual agrees to:
      - i. Act as a mentor to the applicant if the applicant is granted a provisional license;
      - ii. Observe the provisional licensee providing interpreting services at least once each month;
      - iii. Provide feedback to the provisional licensee following each observation; and
      - iv. Provide 30-days notice to the provisional licensee and the Commission before terminating the mentoring relationship; and
    - b. Submit a letter to the Commission indicating that if the applicant is issued a provisional license, the applicant agrees to:
      - i. Make and maintain a record of each time the mentor observes the applicant and a summary of the feedback provided; and
      - ii. Make the record maintained under subsection (B)(2)(b)(i) available to the Commission upon request; or
    - c. Submit a letter to the Commission indicating that if the applicant is issued a provisional license, the applicant agrees to:
      - i. Team with an individual licensed under R9-26-503 or R9-26-504 for an average of eight hours each month;
      - ii. Maintain a journal that records the dates on which and the name of the licensee with whom teaming was done and a summary of any feedback provided; and
      - iii. Make the journal maintained under subsection (B)(2)(c)(ii) available to the Commission upon request.
- C. The Commission shall accept the following documentation of the criteria in subsection (A):
  - 1. Education. A photocopy of certificates of completion showing that the applicant completed hours of interpreter preparation training required under subsection (A)(1);
  - 2. Examination. A photocopy of the letter provided by NIC or RID indicating that the applicant passed the written portion of either the NIC or RID examination;
  - 3. Work experience.
    - a. One or more letters, each of which is signed by an individual or a representative of an entity for whom the applicant provided interpreting, indicating:
      - i. The name of the applicant,
      - ii. The dates on which interpreting was provided, and
      - iii. The hours of interpreting provided by the applicant; and
    - b. For an applicant for a Class B provisional license:
      - i. A photocopy of the letter provided by EIPA indicating the applicant's score on the EIPA performance test; or
      - ii. A photocopy of the applicant's ACCI certificate.

**Historical Note**

Adopted effective April 4, 1997 (Supp. 97-2). Section expired under A.R.S. § 41-1056(E) at 9 A.A.R. 35, effective September 30, 2002 (Supp. 02-4). New Section made by final rulemaking at 13 A.A.R. 1720, effective May 1, 2007 (Supp. 07-2).

**R9-26-506. Short-term Registration of an Interpreter**

- A. To register with the Commission to provide interpreting in Arizona in a non-legal situation for fewer than 20 days in a year, an interpreter shall submit the following information in writing to the Commission:
  - 1. Interpreter's name;
  - 2. Interpreter's business addresses;
  - 3. Interpreter's business and mobile telephone numbers;
  - 4. Dates on which interpreting will be provided; and
  - 5. Date of most recent short-term registration with the Commission, if any.

B. In addition to complying with subsection (A), the interpreter shall submit a copy of the interpreter's RID membership card or license from a government licensing authority.

**Historical Note**

Adopted effective April 4, 1997 (Supp. 97-2). Section repealed; new Section made by final rulemaking at 13 A.A.R. 1720, effective May 1, 2007 (Supp. 07-2).

**R9-26-507. License Renewal**

**A. Renewal of a generalist or legal interpreter license.**

1. A generalist or legal interpreter license expires on the licensee's birthday beginning with the licensee's second birthday following initial licensure. To continue to practice as a generalist or legal interpreter, the licensee shall, no more than 60 days before the licensee's birthday, submit to the Commission a license renewal application form that provides the following information about the licensee:
  - a. Full name;
  - b. Social Security number;
  - c. Arizona interpreter license number;
  - d. Home or business address;
  - e. E-mail address;
  - f. Home, business, or mobile telephone number;
  - g. If applicable, the name of the licensee's employer and the employer's address and telephone number;
  - h. Name of any state or country in which the licensee is or has been licensed or certified to practice as an interpreter, the license or certificate number, and a statement whether the license or certificate has been the subject of discipline since the date of last application and if the answer is yes, a complete explanation of the discipline including date, nature of complaint, and discipline imposed;
  - i. A statement of whether the licensee has been denied a license or certificate to practice as an interpreter by a government licensing authority since the date of last application and if the answer is yes, a complete explanation of the denial including date, name of the government licensing authority, and reason for denial;
  - j. A statement of whether the licensee has been convicted of a felony or of an offense involving moral turpitude in this or any other jurisdiction since the date of last application and if the answer is yes, a complete explanation of the charge and place and date of conviction;
  - k. A statement of whether the licensee has been adjudicated insane or incompetent since the date of last application and if the answer is yes, a complete explanation including date and place of adjudication;
  - l. A statement of whether the licensee wishes to have the licensee's professional credentials and contact information listed on the Commission's web site and in Commission materials; and
  - m. A statement signed by the licensee attesting to the truthfulness of the information provided and affirming that the licensee will comply with the NAD-RID Code of Professional Conduct.
2. In addition to the license renewal application form required under subsection (A)(1), the generalist or legal licensee shall submit or have submitted on the licensee's behalf:
  - a. A photocopy of the front of the licensee's current RID membership card;
  - b. If the answer to the item in subsection (A)(1)(i), (A)(1)(j), or (A)(1)(k) is yes, a copy of any relevant order;
  - c. An affirmation of compliance with the continuing education requirement in R9-26-510 or, if subject to an audit under R9-26-511, documentation that demonstrates compliance with the continuing education requirement; and
  - d. The fee required under R9-26-508.
3. If a generalist or legal licensee fails to comply with subsections (A)(1) and (A)(2) on or before the licensee's birthday, the license expires and the former licensee shall cease providing interpreting for which a license is required under A.R.S. § 36-1971. The former licensee may renew the expired license by complying with subsections (A)(1) and (A)(2), affirming that the former licensee did not provide interpreting for which a license is required under A.R.S. § 36-1971 after the license expired, and paying the penalty prescribed under R9-26-508 no later than 30 days after the license expired.
4. If an expired license is not renewed under subsection (A)(3), the former licensee may obtain a license only by applying as a new applicant.

**B. Renewal of a provisional interpreter license.**

1. A provisional interpreter license expires on the licensee's birthday beginning with the second birthday following initial licensure and may be renewed once by complying with subsections (B)(2) and (B)(3).
2. To continue to practice as a provisional interpreter, the licensee shall, no more than 60 days before the licensee's birthday, submit to the Commission a license renewal application form that provides the information specified under subsection (A)(1).
3. In addition to the license renewal application form required under subsection (B)(2), the provisional licensee shall submit or have submitted on the licensee's behalf:
  - a. If the answer to the item in subsection (A)(1)(i), (A)(1)(j), or (A)(1)(k) is yes, a copy of any relevant order;
  - b. An affirmation of compliance with the continuing education requirement in R9-26-510 or, if subject to an audit under R9-26-511, documentation that demonstrates compliance with the continuing education requirement;
  - c. The fee required under R9-26-508;
  - d. If a Class B provisional licensee, letters that meet the standards at R9-26-505(B)(2)(a) and R9-26-505(B)(2)(b) or a letter that meets the standards at R9-26-505(B)(2)(c); and

- e. If a Class C provisional licensee, an affirmation that the licensee has provided and will continue to provide interpreting services only under direct supervision.
- 4. If a provisional licensee fails to comply with subsections (B)(2) and (B)(3) on or before the licensee's birthday, the license expires and the former licensee shall cease providing interpreting for which a license is required under A.R.S. § 36-1971. Unless the expired provisional license has previously been renewed under subsections (B)(2) and (B)(3), the former licensee may renew the expired license by complying with subsections (B)(2) and (B)(3), affirming that the former licensee did not provide interpreting for which a license is required under A.R.S. § 36-1971 after the license expired, and paying the penalty prescribed under R9-26-508 no later than 30 days after the license expired.
- 5. If an expired provisional license is not renewed under subsection (B)(4), the former licensee may obtain a license only by applying under R9-26-503 or R9-26-504.
- 6. A provisional interpreter license may be renewed a second time only if, in addition to complying with subsections (B)(2) and (B)(3), the licensee submits evidence to the Commission that the licensee attempted to pass the performance portion of a RID certification examination and intends to take the performance portion of a RID certification examination again within the next year.
- 7. The Commission shall not renew a provisional license more than two times. The Commission shall not issue more than one provisional license to an individual.

**Historical Note**

Adopted effective April 4, 1997 (Supp. 97-2). Section repealed; new Section made by final rulemaking at 13 A.A.R. 1720, effective May 1, 2007 (Supp. 07-2).

**R9-26-508. Fees**

- A. Under the authority provided by A.R.S. §§ 36-1973(A) and 36-1974(C), the Commission establishes and shall collect the following fees, which are not refundable unless A.R.S. § 41-1077 applies:
  - 1. Generalist or legal license application fee, \$125;
  - 2. Generalist or legal license renewal application fee, \$50;
  - 3. Provisional license application fee, \$25;
  - 4. Provisional license renewal application fee, \$25;
  - 5. Penalty for late license renewal, \$100; and
  - 6. Duplicate license, \$25.
- B. Before the Commission issues an initial license to an applicant, the Commission shall collect from the applicant a pro-rated license renewal application fee, which will make the initial license valid until the applicant's second birthday following issuance of the initial license. The Commission shall pro-rate the license renewal application fee as follows:
  - 1. Generalist or legal license renewal application fee: \$5 for each month between issuance of the initial license and the applicant's first birthday following issuance of the initial license to a maximum of \$50; and
  - 2. Provisional license renewal application fee: \$2.50 for each month between issuance of the initial license and the applicant's first birthday following issuance of the initial license to a maximum of \$25.

**Historical Note**

Adopted effective April 4, 1997 (Supp. 97-2). Section repealed; new Section made by final rulemaking at 13 A.A.R. 1720, effective May 1, 2007 (Supp. 07-2).

**R9-26-509. Procedures for Processing Applications; Time-frames**

- A. For the purpose of A.R.S. § 41-1073, the Commission establishes the following licensing time-frames:
  - 1. Administrative completeness review time-frame: 30 days;
  - 2. Substantive review time-frame: 60 days; and
  - 3. Overall time-frame: 90 days.
- B. The administrative completeness review time-frame listed in subsection (A)(1) begins on the date that the Commission receives a license application or license renewal application. During the administrative completeness review time-frame, the Commission shall notify the applicant that the application is either complete or incomplete. If the application is incomplete, the Commission shall specify in the notice what information is missing.
- C. An applicant with an incomplete application shall supply the missing information within 30 days from the date of the notice. Both the administrative completeness review and overall time-frames are suspended from the date of the Commission's notice until the date that the Commission's office receives all missing information.
- D. Upon receipt of all missing information, the Commission shall notify the applicant that the application is complete. The Commission shall not send a separate notice of completeness if the Commission grants or denies a license within the administrative completeness review time-frame in subsection (A)(1).
- E. The substantive review time-frame listed in subsection (A)(2) begins on the date of the Commission's notice of administrative completeness or on expiration of the time listed in subsection (A)(1).
- F. If the Commission determines during the substantive review time-frame that additional information is needed, the Commission shall send the applicant a comprehensive written request for the additional information. The applicant shall supply the additional information within 60 days from the date of the request. Both the substantive review and overall time-frames are suspended from the date on the Commission's request until the date that the Commission office receives the additional information.

- G. If an applicant needs additional time in which to respond under subsection (C) or (F), the applicant shall submit a written notice of extension to the Commission before expiration of the time to respond that includes the date by which the applicant will submit the information. The applicant shall establish an extension date that is no more than 120 days from the date established under subsection (C) or (F).
- H. If an applicant fails to submit information within the time provided under subsection (C) or (F) or as extended under subsection (G), the Commission shall close the applicant's file. An applicant whose file is closed and who later wishes to be licensed, shall apply anew.
- I. Within the time listed in subsection (A)(3), the Commission shall:
  - 1. Grant a license to an applicant who meets the requirements in A.R.S. § 36-1973 and this Article, or
  - 2. Deny a license to an applicant who does not meet the requirements in A.R.S. § 36-1973 or this Article.
- J. If the Commission denies a license, the Commission shall send the applicant a written notice explaining:
  - 1. The reason for the denial with citations to supporting statutes or rules,
  - 2. The applicant's right to appeal the denial and have a hearing,
  - 3. The time for appealing the denial, and
  - 4. The applicant's right to request an informal settlement conference.

**Historical Note**

Adopted effective April 4, 1997 (Supp. 97-2). Section repealed; new Section made by final rulemaking at 13 A.A.R. 1720, effective May 1, 2007 (Supp. 07-2).

**R9-26-510. Continuing Education Requirement**

- A. Continuing education is required as a condition of licensure renewal. During each license year, a licensee shall complete the following hours of continuing education:
  - 1. General interpreter, eight hours;
  - 2. Legal interpreter, Class A or B, six hours, of which two hours are legal training;
  - 3. Legal interpreter, Class C, six hours, of which three hours are legal training;
  - 4. Legal interpreter, Class D, six hours, of which two hours are legal training; and
  - 5. Provisional interpreter, 12 hours.
- B. Between the time of initial licensure and a licensee's first birthday following initial licensure, the licensee shall complete a pro-rated amount of the continuing education required under subsection (A).
- C. A licensee shall obtain from the provider of a continuing education attended by the licensee a certificate of attendance that includes:
  - 1. Licensee's name and license number,
  - 2. Name of the continuing education provider,
  - 3. Name of the continuing education,
  - 4. Number of hours of attendance, and
  - 5. Date of the continuing education.
- D. A licensee shall maintain the certificates of attendance described in subsection (C) for three years.
- E. A licensee shall submit a copy of the certificates of attendance obtained during a license year if subject to an audit by the Commission under R9-26-511.

**Historical Note**

Adopted effective April 4, 1997 (Supp. 97-2). Section repealed; new Section made by final rulemaking at 13 A.A.R. 1720, effective May 1, 2007 (Supp. 07-2).

**R9-26-511. Audit of Compliance with Continuing Education Requirement**

At the time of license renewal, the Commission shall provide notice of an audit of continuing education records to a random sample of licensees. A licensee subject to a continuing education audit shall submit documentation that demonstrates compliance with the continuing education requirement at the same time the licensee submits the license renewal application form required under R9-26-507.

**Historical Note**

Adopted effective April 4, 1997 (Supp. 97-2). Section repealed; new Section made by final rulemaking at 13 A.A.R. 1720, effective May 1, 2007 (Supp. 07-2).

**R9-26-512. Making a Complaint**

- A. A complaint may be filed by:
  - 1. An individual for whom interpreting is provided,
  - 2. A person having a direct or professional interest in the incident specified in the complaint, or
  - 3. A person having reason to believe that interpreting was provided by an individual who is not licensed by the Commission and not exempt from licensure under A.R.S. § 36-1971(C).
- B. Complaint requirements. A complainant shall:

1. Submit the complaint to the Commission in writing or by videotape. If a complaint is submitted by videotape, the Commission shall have the complaint interpreted and transcribed into English and forward the transcript to the complainant for review and approval;
  2. Submit the complaint to the Commission within 90 days of the alleged offense; and
  3. Specify in the complaint the name of the individual complained against, date and location of the alleged offense, the action complained about, and the statute or rule alleged to have been violated.
- C. A complainant may withdraw a complaint at any time by providing notice to the Commission.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 1720, effective May 1, 2007 (Supp. 07-2).

**R9-26-513. Reserved**

**R9-26-514. Reserved**

**R9-26-515. Hearing Procedures**

The Commission shall conduct all hearings in accordance with A.R.S. Title 41, Chapter 6, Article 10 and the rules established by the Office of Administrative Hearings.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 1720, effective May 1, 2007 (Supp. 07-2).

**R9-26-516. Rehearing or Review of Commission Decision**

- A. The Commission shall provide for a rehearing and review of its decisions under A.R.S. Title 41, Chapter 6, Article 10 and the rules established by the Office of Administrative Hearings.
- B. A party may amend a motion for rehearing or review at any time before the Commission rules on the motion.
- C. The Commission may grant a rehearing or review for any of the following reasons materially affecting a party's rights:
  1. Irregularity in the proceedings or an order or abuse of discretion that deprived the moving party of a fair hearing;
  2. Misconduct by the Commission, its staff, an administrative law judge, or the prevailing party;
  3. Accident or surprise that could not have been prevented by ordinary prudence;
  4. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the hearing;
  5. Excessive penalty;
  6. Error in the admission or rejection of evidence or other errors of law occurring at the hearing or during the progress of the proceedings;
  7. The Commission's decision is the result of passion or prejudice; or
  8. The findings of fact or decision is not justified by the evidence or is contrary to law.
- D. The Commission may affirm or modify a decision or grant a rehearing to all or any of the parties on all or part of the issues for any of the reasons in subsection (C). The Commission shall specify the particular grounds for any order modifying a decision or granting a rehearing.
- E. When a motion for rehearing or review is based upon affidavits, they shall be served with the motion. An opposing party may, within 15 days after service, serve opposing affidavits.
- F. Not later than 10 days after the date of a decision, after giving parties notice and an opportunity to be heard, the Commission may grant a rehearing or review on its own initiative for any reason for which it might have granted relief on motion of a party. The Commission may grant a motion for rehearing or review, timely served, for a reason not stated in the motion.
- G. If a rehearing is granted, the Commission shall hold the rehearing within 60 days after the date on the order granting the rehearing.
- H. The Commission may extend all time limits listed in this Section upon a showing of good cause. A party demonstrates good cause by showing that an extension of time will:
  1. Further administrative convenience, expedition, or economy; or
  2. Avoid undue prejudice to any party.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 1720, effective May 1, 2007 (Supp. 07-2).

**R9-26-517. Disciplinary Action**

After a hearing that results in a determination that a licensee violated A.R.S. Title 36, Chapter 17.1, or this Chapter, the Commission shall consider the following factors to determine the degree of discipline to impose under A.R.S. § 36-1976(A):

1. Prior conduct resulting in discipline;
2. Dishonest or self-serving motive;
3. Amount of experience as an interpreter;
4. Bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the Commission;
5. Submission of false evidence, false statements, or other deceptive practices during the investigative or disciplinary process;
6. Refusal to acknowledge wrongful nature of conduct;
7. Degree of harm resulting from the conduct; and

8. Whether harm resulting from the conduct was cured.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 1720, effective May 1, 2007 (Supp. 07-2).

**R9-26-518. Change of Name or Address**

The Commission shall communicate with a licensee or applicant using the name and address provided to the Commission by the licensee or applicant. To ensure timely receipt of communication from the Commission, a licensee or applicant shall notify the Commission of any change in the licensee's or applicant's name or address.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 1720, effective May 1, 2007 (Supp. 07-2).