



JANE DEE HULL
Governor Arizona

J. ELLIOTT HIBBS
Director

ARIZONA DEPARTMENT OF ADMINISTRATION

OFFICE OF THE DIRECTOR

100 North Fifteenth Avenue, Suite 401
Phoenix, Arizona 85007

(602) 542-1500

December 6, 2002

Scott M. McNair
2025 East Campbell Avenue, #239
Phoenix, Arizona 85016

Dear Mr. McNair:

This is in response to your letter to the Arizona Department of Administration, in which you request an administrative hearing regarding your termination as a contract employee by Maricopa County.

The Arizona Department of Administration administers a large portion of the State's personnel system. The granting of personnel hearings is not within the purview of the Department; such hearings for eligible State employees are granted by the State Personnel Board. For your reference, the State Personnel Board may be reached at:

Arizona State Personnel Board
1400 West Washington Street, Suite 280
Phoenix, Arizona 85007
(602) 542-3888

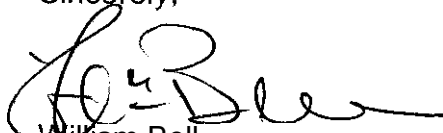
I am therefore forwarding a copy of your letter to the State Personnel Board. I cannot provide you with any information regarding your contention that a contract employee of Maricopa County is entitled to a hearing before the Arizona State Personnel Board. However, I note that you are relying upon the definition of employee set forth in A.R.S. § 38-502(3), which includes persons employed on a "contract basis" by counties, to apply to the right to a hearing set forth in A.R.S. § 38-534. A.R.S. § 38-502 starts by stating the definition is limited to "this article" in the Arizona Revised Statutes, which is Article 8 "Conflict of Interest of Officers and Employees." The hearing statute you mention, A.R.S. § 38-534, is contained in Article 9 "Disclosure of Information by Public Employees." That Article 9

Scott M. McNair
December 6, 2002
Page Two

contains a different definition of "employee" in A.R.S. § 38-531(1); that definition does not include the language regarding contract-status employees as is found in A.R.S. § 38-502.

I hope this information is helpful to you.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. Bell', written over a horizontal line.

William Bell
Deputy Director

cc:
Arizona State Personnel Board