

MINUTES
HOUSE COMMERCE & HUMAN RESOURCES COMMITTEE

- DATE:** Thursday, January 19, 2023
- TIME:** 1:30 P.M.
- PLACE:** Room EW05
- MEMBERS:** Chairman Holtzclaw, Vice Chairman Bundy, Representatives Kingsley, Wisniewski, Horman, Weber, McCann, Cheatum, Hawkins, Healey, Miller, Price, Wheeler, Chew, Roberts
- ABSENT/
EXCUSED:** Representatives Kingsley
- GUESTS:** The sign-in sheet will be retained in the committee secretary's office; following the end of session the sign-in sheet will be filed with the minutes in the Legislative Library.
- Chairman Holtzclaw** called the meeting to order at 1:29 p.m.
- MOTION:** **Rep. Wheeler** made a motion to approve the minutes from January 17, 2023.
Motion carried by voice vote.
- MOTION:** **Rep. Weber** made a motion to introduce **RS 29947C1, RS 29920C1, RS 29955C1, RS 29949C1, RS 29957C1.**
- RS 29947C1:** **Rep. Bundy** presented **RS 29947C1**, proposed legislation updating Title 67 Chapter 53 and Title 59 Chapter 16, relating to the personnel system, by removing outdated language and practices. He stated the changes would ensure best standard practices are applied to development of statewide enterprise resource planning.
- Rep. Bundy** introduced **Michelle Peugh**, HR Policy and Program Officer for the Division of Human Resources, who provided an introduction to **RS 29947C1**. She advised **RS 29947C1** provides clarification for how state law is applied to state employees, ensuring employee best practice standards are applied to all state agencies.
- RS 29920C1:** **Rep. Bundy** presented **RS 29920C1**, legislation providing clarification within established compensation practices by adding language to 67-5309B and 59-1603 to require a current evaluation to be on file for salary increases based on performance. He stated **RS 29920C1** also enabled salary increases based on internal equity or market changes.
- Michelle Peugh** explained **RS 29920C1** creates flexibility within established compensation practices. She stated the changes would address challenges agencies face in recruitment and retention. She said current statutes relating to employee compensation are restrictive and do not allow for effective pay strategies.
- RS 29955C1:** **Rep. Bundy** presented **RS 29955C1**, legislation updating the agency name the to "Division of Human Resources" from the previous agency name of the "Personnel Commission" outlined in 67-3519. Rep. Bundy noted **RS 29955C1** adds the statement "pay or" before "pay grade" in order to match current practice.
- Michelle Peugh** explained **RS 29955C1** updates three sections of code as they relate to the name and responsibility of the Division of Human Resources and the organization and purpose of the Idaho Personnel Commission.

- RS 29949C1:** **Rep. Bundy** presented **RS 29949C1**, legislation adding language to Idaho Code 67-5302 to waive the 1,385 hour limit for employees hired specifically as apprentices under an approved apprenticeship program. Rep. Bundy noted that hiring youth apprentices will be another tool agency heads can utilize to recruit and retain employees more effectively.
- Michelle Peugh** explained the purpose of **RS 29949C1** was to add an additional option under temporary employment for the State of Idaho to hire apprentices. She noted that last year the Work Force Development Council worked with the legislature to pass legislation that allows individuals under public apprenticeship programs to be state employees.
- She advised **RS 29949C1** will support agencies if apprenticeships are implemented within the agency. She testified that **RS 29949C1** would permit **Lori Wolff**, administrator of the Division of Human Resources, to approve an employee to be a temporary employee, with no hour limit restriction, as long as they had an approved apprenticeship program at their agency.
- RS 29957C1:** **Rep. Bundy** presented **RS 29957C1**, legislation to allow for flexibility and clarification related to overtime calculation for certain employees. Rep. Bundy stated that typically time worked in excess of 40 hours per workweek constitutes overtime. He added the proposed language adds another option for overtime calculation within established wage and hour laws. Rep. Bundy testified that certain employees who meet federal exemption requirements will have overtime calculated for time worked in excess of 80 hours in a period of 14 consecutive days. Rep. Bundy noted that **RS 29957C1** meets a specific request from the Department of Veterans Affairs for nurses that tend to work 12 hours shifts.
- Michelle Peugh** explained **RS 29957C1** allows agencies flexibility in scheduling employees with irregular shifts to align with industry standards. She noted the current standard is 8 hours in a 40 hour work week, which has become inflexible. She noted the inability of the agency to schedule nurses over an 80 hour pay period was the number one complaint of employees or applicants when Veterans Services and Health and Welfare try to hire nurses.
- VOTE ON MOTION:** **Chairman Holtzclaw** called for a vote on the motion to introduce **RS 29947C1**, **RS 29920C1**, **RS 29955C1**, **RS 29949C1**, **RS 29957C1**. **Motion carried by voice vote.**
- RS 30035:** **Rep. Rubel** presented **RS 30035**, legislation which removes the sunset clause of Idaho Code 72-451; making this statute permanent. She stated **RS 30035** provides permanent coverage under workers compensation for post traumatic stress injuries suffered by first responders. Rep. Rubel introduced **Rob Shoplock**, President of the Professional Firefighters of Idaho.
- Rob Shoplock** noted that as of 2023 first responder work compensation rates are lower than what they were prior to 2019.
- MOTION:** **Rep. Horman** made a motion to introduce **RS 30035** **Motion carried by voice vote.**
- RS 30041:** **Rep. Blanksma** presented **RS 30041**, legislation to expand the Idaho Launch Program to eligible High School Graduates starting in 2024. She stated that eligible graduates can receive a grant of \$8,500, noting the Workforce Development Council would determine grants based upon job necessity and the job market. She noted **RS 30041** includes sunsets.

In response to questions from Committee members, **Rep. Blanksma** explained that means-testing would be secondary to the market demand for jobs. She explained the Workforce Development Council would develop the grants process means testing. She added this would be based upon how many requests would be made for grants, as the funds for the program are capped.

MOTION: **Rep. Wheeler** made a motion to introduce **RS 30041**. **Motion carried by voice vote.**

DOCKET NO. 15-0401-2201: **Michelle Peugh** presented **Docket No. 15-0401-2201**, a pending rule regarding the Rules of the Division of Human Resources and Idaho Personnel Commission. She stated the changes clarified and streamlined rules to align with the Red Tape Reduction Act, HR consolidation and best employee practices. She advised for these rule changes comments were accepted until October 26th, 2022. She noted no comments were submitted in opposition to the rule changes, and no changes were made based on the comments. In response to questions from Committee members, she advised that the opportunity to comment on the rules changes was advertised in the Administrative Rules Bulletin.

Chairman Holtzclaw put the committee at ease 1.51 p.m.

Chairman Holtzclaw resumed the meeting at 1.54 p.m.

Michelle Peugh reviewed the rule changes in **Docket No. 15-0401-2201**.

In response to questioning from Committee members, she noted that in the current job market a list of fewer than five qualified candidates is considered adequate. She advised it was difficult to meet the threshold of five qualified candidates for classified positions, making the recruitment process harder. She explained that classified employees have due process and property rights to their positions whereas nonclassified positions are considered at will employment.

Chairman Holtzclaw advised the Committee members that if one body rejects the rule, the rule may still go into effect if the other body decides to approve of the rule.

Michelle Peugh continued to explain the **Docket No. 15-0401-2201** changes.

Due to time constraints, **Docket No. 15-0401-2201** will be carried over to a future meeting to be determined by **Chairman Holtzclaw**.

ADJOURN: There being no further business to come before the Committee, the meeting adjourned at 2:30 p.m.

Representative Holtzclaw
Chair

Jeremy Collier
Secretary