

MINUTES
HOUSE COMMERCE & HUMAN RESOURCES COMMITTEE

DATE: Wednesday, January 25, 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:** Representative Horman

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 1:30 p.m.

MOTION: **Rep. Wheeler** made a motion to approve the minutes from January 19, 2023 and January 23, 2023. **Motion carried by voice vote.**

H 18: **Rep. Rubel** presented **H 18**, legislation repealing the sunset provision of Idaho Code 72-451 on the coverage of post traumatic stress injuries for first responders; making this statute permanent. Rep. Rubel introduce **Rob Shoplock**, President of the Professional Firefighters of Idaho.

Rob Shoplock noted 31 claims were accepted and 36 were denied. He noted that all 67 individuals were helped.

In response to questions from Committee members, **Mr. Shoplock** stated volunteer firefighters will be included by **H 18** if their employer is required to pay compensation.

MOTION: **Rep. Bundy** made a motion to send **H 18** to the floor with a **DO PASS** recommendation.

**ROLL CALL
VOTE:** Roll call vote was requested. **Motion carried by a vote of 14 AYE, 0 NAY, and 1 Absent/excused.** **Voting in favor** of the motion: **Reps. Holtzclaw, Bundy, Kingsley, Wisniewski, Weber, McCann, Cheatum, Hawkins, Healey, Miller, Price, Wheeler, Chew, Roberts.** **Voting in opposition** to the motion: **None.** **Rep. Horman was absent/excused.** **Rep. Rubel** will sponsor the bill on the floor.

H 13: **Rep. Bundy** presented **H 13**, legislation updating Title 67 Chapter 53 and Title 59 Chapter 16, relating to the personnel system, by removing outdated language and practices.

In response to questions from the Committee, **Rep. Bundy** advised that some changes were made to work with the programming of the current software.

MOTION: **Rep. McCann** made a motion to send **H 13** to the floor with a DO PASS recommendation. **Motion carried by voice vote.** **Rep. Bundy will sponsor the bill on the floor.**

H 14: **Rep. Bundy** presented **H 14**, legislation providing clarification and flexibility within established compensation practices by adding language to 67-5309B and 59-1603. He advised the legislation will have no impact on the general fund as agencies must use existing appropriations to cover the cost.

Fred Birnbaum, representing the Idaho Freedom Foundation, testified in **opposition to H 14**. Mr. Birnbaum expressed concern about the fiscal impact of **H 14**. He noted that expenditures in Fiscal Year 2022 were lower than appropriations with \$121,493,900 of the total appropriation not expended in personnel costs with \$79,973,800 reverted. He stated money that is not reverted could be used to make adjustments according to internal equity. Mr. Birnbaum also stated language referring to 'internal equity' was too vague.

Lori Wolff, Administrator for the Division of Human Resources, was called upon to answer questions from the Committee regarding **H 14**. She advised the term 'internal equity' referred to comparisons between staff who work within the same organization. Ms. Wolff noted **H 14** permits internal equity adjustments within the six month probationary period. She stated if an agency has not appropriated funds they cannot implement wage increases.

MOTION: **Rep. Weber** made a motion to send **H 14** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Bundy will sponsor the bill on the floor.**

H 15: **Rep. Bundy** presented **H 15**, legislation updating the agency name to the "Division of Human Resources" from the previous agency name of the "Personnel Commission" outlined in 67-3519. Rep. Bundy noted **H 15** adds the statement "pay or" before "pay grade" in order to match current practice.

Janelle White, Bureau Chief for the Division of Human Resources, was called upon to answer questions from the Committee regarding **H 15**. She stated the strikeout on page 3, section 4 is a result of the establishment of the Office of Administrative Hearings. Ms. White advised the Personnel Commission exists to hear appeals that employees make to their organizations, noting this is not changed by **H 15**.

MOTION: **Rep. McCann** made a motion to send **H 15** to the floor with a **DO PASS** recommendation.

ROLL CALL VOTE: Roll call vote was requested. **Motion carried by a vote of 14 AYE, 0 NAY, and 0 Absent/excused. Voting in favor of the motion: Reps. Holtzclaw, Bundy, Kingsley, Wisniewski, Weber, McCann, Cheatum, Hawkins, Healey, Miller, Price, Wheeler, Chew, Roberts. Voting in opposition to the motion: None. Rep. Horman was absent/excused. Rep. Bundy will sponsor the bill on the floor.**

H 16: **Rep. Bundy** presented **H 16**, legislation adding language to Idaho Code 67-5302 to waive the 1,385 hour limit for employees hired specifically as apprentice under an approved apprenticeship program.

Janelle White was called upon to answer questions from the Committee regarding **H 16**. Ms. White advised the language specifying an 'approved apprenticeship program' was included in the legislation in order to prevent agencies from hiring an employee for a part time position but expecting them to work full time. She advised she did not feel this was a risk.

MOTION: **Rep. Wheeler** made a motion to send **H 16** to the floor with a **DO PASS** recommendation.

ROLL CALL VOTE: Roll call vote was requested. **Motion carried by a vote of 14 AYE, 0 NAY, and 1 Absent/excused. Voting in favor of the motion: Reps. Holtzclaw, Bundy, Kingsley, Wisniewski, Weber, McCann, Cheatum, Hawkins, Healey, Miller, Price, Wheeler, Chew, Roberts. Voting in opposition to the motion: None. Rep. Horman was absent/excused. Rep. Bundy will sponsor the bill on the floor.**

H 17: **Rep. Bundy** presented **H 17**, legislation to allow for flexibility and clarification related to overtime calculation for certain employees. Rep. Bundy stated typically time worked in excess of 40 hours per workweek is considered overtime. He noted the proposed language adds another option for overtime calculation within established wage and hour laws. Rep. Bundy explained certain employees will have overtime calculator for time worked in excess of 80 hours in a period of 14 consecutive days.

Mark Tschampl, Chief Administrator for the Idaho Division of Veterans Services, testified **in support** of **H 17**. He explained that 80% of vacant positions within the Division of Veterans Services were for skilled nurses. He stated the lack of shift flexibility has meant the Division of Veterans Services has lost nurses and struggled to recruit new ones. He mentioned employees who chose not to work for the Division of Veterans Services indicated that the number one reason for choosing not to work there was shift inflexibility.

Janelle White was called upon to answer questions from the Committee regarding **H 17**. Ms. White advised that **H 17** would not include employees covered by the Fair Labor Standards Act, she noted those employees not exempted were the ones the flexibility was intended for.

In response to questions from the Committee, **Mr. Tschampl** advised the hours worked over the weekend would be considered regular time hours. He explained 12 hours is the national standard for skilled nursing care with no data indicating a 12 hour shift creates more safety incidents in the workplace compared to an 8 hour shift.

MOTION: **Rep. Healey** made a motion to send **H 17** to the floor with a **DO PASS** recommendation.

ROLL CALL VOTE: Roll call vote was requested. **Motion carried by a vote of 14 AYE, 0 NAY, and 1 Absent/excused. Voting in favor** of the motion: **Reps. Holtzclaw, Bundy, Kingsley, Wisniewski, Weber, McCann, Cheatum, Hawkins, Healey, Miller, Price, Wheeler, Chew, Roberts. Voting in opposition** to the motion: **None. Rep. Horman was absent/excused. Rep. Bundy** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the Committee, the meeting adjourned at 2:23 p.m.

Representative Holtzclaw
Chair

Jeremy Collier
Secretary