

**MINUTES OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**
Wednesday, July 5, 2000 - 9:00 a.m. - Room 305 State Capitol

Members Present:

Sen. Howard A. Stephenson,
Senate Chair
Rep. David Ure,
House Chair
Sen. Mike Dmitrich
Sen. L. Alma "Al" Mansell
Sen. Eddie "Ed" P. Mayne
Sen. Howard C. Nielson
Rep. Judy A. Buffmire
Rep. James R. Gowans
Rep. Martin R. Stephens

Members Excused:

Rep. John E. Swallow

Staff Present:

Mr. Arthur L. Hunsaker,
Research Analyst
Ms. Esther D. Chelsea-McCarty,
Associate General Counsel
Ms. Cassandra Bauman,
Legislative Secretary

Note: A list of others present and copies of handouts distributed in the meeting are on file in the Office of Legislative Research and General Counsel.

1. Call to Order and Approval of June 7, 2000 Minutes - Chair Stephenson called the meeting to order at 9:11 a.m.

MOTION: Sen. Nielson moved to approve the minutes of June 7, 2000. The motion passed unanimously with Reps. Buffmire and Ure and Sen. Mayne absent for the vote.

2. R430-6 Background Screening (Utah State Bulletin, May 1, 2000, pp. 168-70 - Rep. Stephens) - Rep. Stephens said he is concerned that, by not allowing volunteers to count in the staff to child ratio, the rule is making it more difficult to provide child care instead of helping to increase access.

Debra Wynkoop, Director, Bureau of Health Facility Licensure, Department of Health, explained that the change in the rule allows one time volunteers to give their time without meeting the Bureau of Criminal Identification (BCI) screening requirement, which costs \$24. Volunteers are used to enhance the program, but they have no obligation to show up. She stated that the rule is intended to limit the liability of child care centers.

Ms. Iona Thraen, Director, Division of Health Systems Improvement, Utah Department of Health, explained that each year staff members must meet minimum training standards and that volunteers do not have any standards to meet. If volunteers are counted in the ratio, should they have to meet those standards?

Ms. Rita Werenskjold, Child Care Coordinator, Your Community Connection Center, expressed her concerns with continuity in the teaching of children. Ms. Sherley Brown Miller,

Manager, Family Enrichment Center, Your Community Connection Center, said not all volunteers can be relied on to show up and BCI checks are not completely reliable.

MOTION: Rep. Stephens moved that the agency and its advisory committee look at exceptions to include in making up the ratios; examine differentiations between programs aimed at infants and small children as opposed to older children; consider ways to decrease the annual costs to those who work in the child care profession; and report back to the committee on their efforts by the end of October. The motion passed unanimously.

3. Department of Human Resource Management Rules Published June 1, 2000 (Utah State Bulletin, June 1, 2000, pp. 47-90 - Rep. Gowans) - Chair Stephenson stated that many of the fourteen rule changes were a result of Draughon v. Department of Financial Institutions, a Utah Court of Appeals decision.

Mr. Conroy Whipple, Planning Coordinator, Department of Human Resource Management, stated that the objectives of the office are to keep the size of the rules as small as they can and to maintain management flexibility.

Mr. Bob Thompson, Agency Counsel, Department of Human Resource Management, explained the background on the court case. Involuntary reassignment is being changed to voluntary reassignment, and the person being reassigned would have to sign a waiver.

Sen. Dmitrich expressed concern with requiring reassigned employees to sign the waiver.

Rep. Gowans pointed out that signing the waiver removes an employee's right to grieve the decision. Mr. Thompson said that is an issue the department should examine.

4. Committee Business - The next meetings are scheduled for August 8 and August 22, 9:00 a.m. in room 305.

5. Adjourn -

MOTION: Sen. Mansell moved to adjourn the meeting at 10:55 a.m. The motion passed unanimously with Rep. Stephens absent for the vote.