



State of Idaho

## **DIVISION OF HUMAN RESOURCES**

Executive Office of the Governor

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Idaho Personnel Commission  
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### **Summary of Comments Notice of Intent to Promulgate Rules- Negotiated Rulemaking**

#### **1) Regarding the draft language of the addition of Rule 251 - Administrative Leave**

Currently, 'administrative leave' is only addressed in policy or implied in other sections of rule. The draft language of Rule 251 seeks to describe the use of 'administrative leave' beyond the draft definition addition of 'administrative leave' in Rule 010. Rule 251 states "Administrative leave may be designated by an appointing authority and/or as authorized by the Governor...".

The comment from the respondent was that the 'and/or' made the rule ambiguous. The respondent could not determine if the draft language meant that approval of administrative leave required both the appointing authority and the Governor, or either the appointing authority or Governor.

**Comment:** DHR determined that a revision was necessary to remove ambiguity with the rule by clarifying the authority for approval of administrative leave.

#### **2) Regarding the addition of the definitions of 'Disabled Veteran' and 'Veteran'**

##### **Rule 010.23 - Definition of Disabled Veteran**

The definition was added to clarify language in related rules.

The concern from the respondents was regarding the inclusion of military retirement/pension benefits. Respondents felt that this is unnecessary since disability payments come from the Department of Veterans Affairs and not the military services.

##### **Rule 013.14 - Definition of Veteran**

The definition was added to comply with Section 67-502(17), Idaho Code and the changes signed into law during the 2013 legislative session (SB 1045a).

The concern from the respondents was that the statute included veterans honorably discharged as well as general discharge under honorable. The respondents felt that a veteran receiving a general discharge under honorable should not receive preference points or receive a lesser amount of points than a veteran honorably discharged.

**Comment:** In order to propose these suggested changes in rule, there would need to be amendments to Idaho Code; therefore no changes will be made.