

# THE ADMINISTRATIVE RULES REVIEW COMMITTEE

## 1999 Annual Report

**I. INTRODUCTION.** This report covers the period beginning with the committee's February 1999 meeting through the January 2000 meeting. This period covers those final rulemaking actions that were published in the calendar year 1999. Thus while certain actions of the committee may have occurred in January 2000, those actions related to 1999 rules.

Iowa state government consists of some 109 entities. There are 29 umbrella agencies, 60 divisions having some level of rulemaking autonomy, 19 independent agencies and one legislative agency. In 1999 81 of these entities promulgated 506 filings—an increase of about 25% over 1998. These figures are the highest rulemaking levels since the mid 1980's. This "spike" is the result of 1998 legislation, House File 667. This legislation amended Iowa's Administrative Procedures Act by making significant changes to the contested case process, with the result that every agency with an appeals process needed to amend that process in 1999.

Note that filings often contain more than a single rule change, they actually represent some 2000 individual rule additions, amendments or repeals. Rulemaking activity for the last ten years is set out below:

YEAR	AGENCY	FILINGS	YEAR	AGENCY	FILINGS
1999	81	506	1994	66	414
1998	53	398	1993	62	493
1997	50	375	1992	61	493
1996	56	392	1991	66	511
1995	52	300	1990	56	408

In 1999 55 filings were put into effect using the "emergency" rulemaking provisions of the rulemaking process {Iowa Code §§17A.4 & 17A.5}. A decrease of 10% from the 61 emergencies in 1998. Most of these filings were published as a notice of intended action at the same time. These emergency rulemaking filings account for 10% of the total filings; a decrease of about 5%. The ten year history for emergency rulemaking is as follows:

YEAR	EMERGENCY	FILINGS	YEAR	EMERGENCY	FILINGS
1999	55(10%)	506	1994	91(22%)	414
1998	61(15%)	398	1993	116(23%)	493
1997	39 (11%)	375	1992	92 (19%)	493
1996	94 (24%)	392	1991	135 (26%)	511
1995	66 (16%)	399	1990	94 (19%)	498

To calculate the volume of rulemaking for 1999, filed documents are counted instead of single rule changes. Note that a filing is *not* a notice of intended action; a filing is only the adoption in final form. If notices were included, the volume of rulemaking would virtually double. Each filing put into effect contains one or more individual rule changes; on the average each filing contains roughly four individual changes. The agencies which adopted rules in 1999 are listed below together with the number of emergency filings and the total number of filings made by each agency. For the purposes of this analysis the term "agency" ignores the statutory groupings of departments, divisions, boards, etc. Instead the chart independently lists every rule-making unit without regard to its location within a larger "umbrella" department. The first column of numbers represents the number of filings adopted in 1999. The second column represents the total "emergency" filings for that agency. In 1999 twelve agencies promulgated over 50% of the total rulemaking and over half of the "emergency" rulemaking; While the "bottom" half accounted for roughly 10% of the rulemaking total.



Criminal and Juvenile Justice Planning Division[428]			1/1		1								02/1
Status of Women Division[435]				1	1								02
State Public Defender[493]					1	1/1							02/1
PUBLIC EMPLOYMENT RELATIONS BOARD[621]				1	1								02
VETERANS AFFAIRS COMMISSION[801]					1						1/1		02/1
Agricultural Development Authority[25]					1								01
ATTORNEY GENERAL[61]									1				01
AUDITOR OF STATE[81]						1							01
Alcoholic Beverages Division[185]					1								01
Banking Division[187]					1								01
Credit Union Division[189]					1								01
Professional Licensing and Regulation Division[193]	1												01
Accountancy Examining Board[193A]					1								01
Landscape Architectural Examining Board[193D]					1								01
Real Estate Appraiser Examining Board[193F]					1								01
Savings and Loan Division[197]								1					01
CORRECTIONS DEPARTMENT[201]											1/1		01/1
Parole Board[205]					1								01
CULTURAL AFFAIRS DEPARTMENT[221]					1								01
Public Broadcasting Division[288]							1						01
School Budget Review Committee[289]										1			01
ELDER AFFAIRS DEPARTMENT[321]											1		01
Community Action Agencies Division[427]					1								01
Deaf Services Division[429]					1								01
Persons With Disabilities Division[431]					1								01
Latino Affairs Division[433]					1								01
Status of African-Americans, Division on the[434]							1						01
LIVESTOCK HEALTH ADVISORY COUNCIL[521]							1						01
MANAGEMENT DEPARTMENT[541]					1								01
Appeal Board, State[543]					1								01
City Finance Committee[545]					1								01
County Finance Committee[547]					1								01
Emergency Management Division[605]	1/1												01
REGENTS BOARD[681]											1		01/1
Lottery Division[705]					1								01
TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA[751]					1								01
TURKEY MARKETING COUNCIL, IOWA[787]											1		01
VETERINARY MEDICINE BOARD[811]					1								01
<b>TOTALS</b>	<b>14</b>	<b>51</b>	<b>29</b>	<b>26</b>	<b>111</b>	<b>45</b>	<b>35</b>	<b>29</b>	<b>44</b>	<b>33</b>	<b>28</b>	<b>61</b>	<b>506</b>
	<b>2</b>	<b>3</b>	<b>3</b>	<b>2</b>	<b>1</b>	<b>13</b>	<b>11</b>	<b>4</b>	<b>6</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>55</b>

Capitalized agencies represent departments or independent entities while lower case agencies represent divisions, boards or other units of state government. Regardless of size each agency listed has rule-making authority and some level of autonomy; for that reason all are treated as state agencies regardless of formal designation or location within a larger umbrella agency.

The 1999 total of 506 filings breaks down by month in the following chart. Note the rulemaking spike that occurred in May. This is when agencies completed action on the new procedures required by House File 667; that increase of over 80 filings from May of 1998 explains

the great increase of rulemaking in 1999. 24 of the 55 emergency filings {some 44% of the total} were published in June or July, in response to the need to implement legislation by the traditional July 1<sup>st</sup> effective date. Otherwise emergency rule making follows no other discernible patterns, varying in number from one to six filings per month.

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	TOT
1999	14	51	29	26	111	45	35	29	44	33	28	61	506
1998	13	32	18	34	32	28	58	31	39	30	35	48	398
1997	12	26	46	14	34	30	48	24	27	35	31	47	375
1996	34	31	31	18	23	31	52	34	32	44	30	32	392
1995	23	31	35	20	32	36	33	50	23	34	41	41	399

## II. OVERVIEW OF THE COMMITTEE ACTIONS

While the average number of filings has decreased over the last five years, the volume of formal actions taken by the committee has remained at a steady level for well over a decade. In 1998 the committee imposed only two formal objections, identical to 1998. 150 objections have been imposed since 1977, but in the last five years the average has dropped to less than five per year. Two session delays were imposed {a third delay was later withdrawn}, down from five delays were imposed in 1998. 57 delays have been imposed since the power was created in 1978. Additionally, the committee imposed seven general referrals (10 in 1998); six seventy day delays (5 in 1998); and no economic impact statements (1 in 1998). The committee took 17 formal actions, down from the 23 in 1998. The individual actions are summarized below:

## III. CALENDAR OF 1999 RULES REVIEW COMMITTEE ACTIONS

Feb 1999 through Jan 2000

### February 1999 ARRC meeting

70-Day Delay •661—5.620(1) ARC 8602A IAB 1/13/99  
Fire safety in small group homes

### March 1999 ARRC meeting

70-Day Delay •871—24.26(14) ARC 8648A IAB 2/10/99  
Unemployment compensation for victims of domestic abuse

70-Day Delay •261—Chapter 4 ARC 8696A IAB 2/10/99  
Workforce development accountability system

### May 1999 ARRC meeting

Objection •871—24.26(14) (Objection filed 6/8/99)  
Unemployment compensation for victims of domestic abuse

General Referral •871—24.26(14)  
Unemployment compensation for victims of domestic abuse

**June 1999** ARRC meeting

- General Referral •ARC 8931A IAB 5/5/99 441—184.21 to 184.30  
Personal assistance pilot project
- General Referral •661—5.807(6)  
New construction requirement for hard-wired smoke alarms

**July 1999** ARRC meeting

- 70-Day Delay •ARC 9102A IAB 6/16/99 645—Chs 280 to 285, 289;  
Social Workers—definition of private practice

**August 1999** ARRC meeting

- Delay Lifted •ARC 9102A IAB 6/16/99 645—Chs 280 to 285, 289;  
Social Workers—definition of private practice
- 70-Day Delay •ARC 9215A IAB 7/28/99 871—amendments to ch 26  
Contested case proceedings

**September 1999** ARRC meeting

- 70-Day Delay •ARC 9238A IAB 8/11/99 441—95.1, 95.3  
Crediting of child support payments; “Date of collection”
- Session Delay •ARC 9274A IAB 8/11/99 10.3(1), 29.6(4) to 29.6(6)  
Administration of nitrous oxide inhalation analgesia
- Objection •ARC 9271A IAB 8/11/99 Proposed Ch 12  
Low-income housing tax credits

**October 1999** ARRC meeting

- Session Delay •ARC 9238A IAB 8/11/99 441—95.1, 95.3  
Child support collections
- General Referral •ARC 9318A IAB 9/8/99 281—Ch 97  
Supplementary weighting
- General Referral •ARC 9354A IAB 9/22/99 Items 1 & 2  
Residency requirement for law enforcement officers

**November 1999** ARRC meeting

- Session Delay •ARC 9407A IAB 10/6/99 282—Ch 21  
Behind-the-wheel driving instructor authorization

**December 1999** ARRC meeting

- General Referral •ARC 9525A IAB 12/1/99 201—20.20  
Inmate telephone commissions
- General Referral •ARC 9488A IAB 11/17/99 Item 24  
Video gambling machines

**January 2000** ARRC meeting

- Delay lifted •ARC 9274A IAB 8/11/99 29.6(6)  
Administration of nitrous oxide inhalation analgesia

## **IV. SUMMARY OF ISSUES BEFORE THE COMMITTEE**

### **DENTAL EXAMINERS BOARD**

**Administration of Nitrous Oxide**, IAB Vol. XXII, No. 3, ARC 9274A. The board adopted rules providing that dental hygienists could monitor nitrous oxide under the supervision of a dentist. Opponents contended this rule was too restrictive and was an unfair burden on a common practice within the profession. Hygienists and some dentists contended that for many years hygienists safely induced and deduced nitrous oxide, and that practice was now routine within the profession. Board representatives noted that Iowa Code section 153.20 specifically delegates to the dentist the right to administer anesthesia—the representative argued this specific statutory delegation precluded administration of anesthesia by a hygienist. Committee members did not feel this rule was beyond the authority of the board; however, the members concluded that the administration of nitrous oxide by hygienists was apparently a widespread practice; absent any evidence that this practice presented a threat to the public health the members felt that further review was needed before that practice was curtailed by rule. The ARRC imposed a session delay on this filing, to allow additional review by the legislature. The rule was rescinded by the board.

### **EDUCATION DEPARTMENT**

**Accreditation Standards**, IAB Vol. XXII, No 1 ARC 9212. For the first time since 1988 the Department revised its accreditation standards, based on the requirements of 1998 Iowa Acts Chapter 1176 which requires the department to adopt rules incorporating accountability for student achievement into the standards and accreditation process. At the initial review the Committee members requested an informal economic impact statement, detailing the cost of these requirements on Iowa's schools (A similar request was made with the initial rules in 1998). That study indicated no additional costs to local schools. Department representatives reiterated that any additional cost would be the choice of the local district, such as purchasing new tests, curricula or hiring personnel instead of using area education agency resources.

**Special education**, IAB Vol. XXII, No. 13, ARC 9591A. Pursuant to the federal Individuals with Disabilities Act of 1997 the department implemented several important amendments to Iowa's special education program. It is the obligation of state and local to provide special education and related services at public expense, under public supervision and direction, and at no cost to the parents. Special education must meet the standards established by the federal government. Department representatives noted these requirements were based on specific federal and state mandates. Federal law requires that each school provide "full educational opportunity" to special education children, including the same variety of educational programs and services and nonacademic and extracurricular services and activities that are available to other students. It was noted that in the area of discipline the new rules give school administrators greater leeway in disciplining special needs students.

### **BOARD OF EDUCATIONAL EXAMINERS**

**Behind-the-wheel driving instruction**, IAB Vol. XXII, No. 7 ARC 9407A. 1999 Acts, chapter 13 provides that the Board of Educational Examiners must "authorize" the behind-the-wheel instructors certified by the Department of Transportation; the rule implemented by the board called for a teacher or administrator license as well as completion of the course specified by the DOT. This meant that classroom instruction must be provided by an educator qualified in

drivers instruction, while the behind-the-wheel portion of the drivers education course could be provided by a licensed teacher or administrator, who has completed the DOT's 36 hour course.

Committee members felt that the intent of the Act was to ensure that qualified people provide behind-the-wheel instruction, but not to limit instructors to licensed teachers or administrators. House members of the committee in particular recalled that during floor debate it was specifically stated this provision would not require the use of a certified teacher. For this reason the committee voted to delay this provision until the adjournment of the year 2000 session of the Iowa General Assembly.

## **ENVIRONMENTAL PROTECTION DIVISION**

**Feedlot regulation**, IAB Vol. XXI, No. 21, ARC 8900A. In the initial rules draft the division staff and the animal advisory committee {AACO} did not fully agree on new feedlot language, thus both a staff version and an AACO version were published under notice. Committee members felt that AACO's statutory role was to provide advise to the Environmental Protection Commission and the commission should have used its discretion to develop a single notice. This controversy was ended with the adopted of a single set of revisions to the livestock rules. The rules themselves were largely non-controversial; House File 2494 established new requirements for livestock operations, necessitating a number of changes in the EPC's rules set out in chapter 65. However, ARRC members expressed some concern over a waiver provision allowing the division to waive a prohibition against allowing waste to enter a drainage tile if the applicant could show the waste could not enter the surface water. Members were doubtful such a showing could be made, but took no action on the rule.

## **HUMAN SERVICES DEPARTMENT**

**Prior authorization for certain prescription drugs**, Ch. 78, Special review. House File 760 saved \$1 million in Medicaid funds through the use of prior authorization for certain Medicaid prescriptions. The rules implementing these provisions were submitted to the Committee in document form, before they were adopted by the Department or published in the Iowa Administrative Bulletin. Opponents of prior authorization opposed the use of this procedure. First they protested that copies of the rulemaking document were obtained only days before the Committee meeting, thus denying them any real opportunity to contest this filing; second they contended that while the Act did mandate "emergency" rulemaking, it did not mandate a July 1<sup>st</sup> effective date. They noted that a July 15<sup>th</sup> effective date would have allowed the rules to be reviewed in a more timely manner at the Committees' July meeting, thus providing a better opportunity for public input. Lastly, some opponents suggested that a clinical review was needed before the use of these drugs was restricted, to ensure that the well-being of the patient was not endangered. Department representatives responded that the enactment of House File 760 was fully discussed during the legislative process and that the intent of the Act was to speedily implement this provision by July 1<sup>st</sup>, and saving \$1 million; they further emphasized that an "emergency" filing was mandated in the legislation. They concluded that the rules would also be published as a notice of intended action, allowing a full opportunity for public review and discussion. Committee members voiced general support for the review process, but some members did express concern that committee review occurred before the Council on Human Services actually adopted the rule.

**Child support payments**, IAB Vol. XII, No 3, ARC 9238A. The department adopted rules outlining the child support collection services center. This center is the administrative entity

responsible for the disbursement of court-ordered child support. Under rule 95.3 payments would have been credited for the month in which the money is received by the collection services center. Concern was expressed at the meeting that payments should be credited for the month in which the payment is deducted from the obligors earnings. The problem is that some employers who deduct child support do not immediately forward that money to the center. Under some situations this delay can put the obligor into default, even though the support was timely deducted from his or her salary. Members felt that at the moment the obligor lost control of the funds that individual had fulfilled his or her responsibilities. For that reason the ARRC imposed a session delay on this rule with the recommendation that the rule be modified to credit child support when it is paid by the obligor. This issue is now being resolved thru Senate File 2254.

## **INSPECTIONS AND APPEALS**

**Code of judicial conduct**, IAB Vol. XXI, No. 17, ARC 8797A. The 1998 revision to Iowa's Administrative Procedures Act, 1998 Iowa Acts Chapter 1202 §3(7) mandates that the division promulgate in rule a Code of Administrative Judicial Conduct; in short, a code of ethics for ALJ's and others who serve as presiding officers in contested cases. These "others" are generally licensing board members who collectively sit as the presiding officer in licensee disciplinary matters. The canons themselves are based on the code of ethics applicable to Iowa's courts. Each of the four canons begin by establishing a broad, general principle. Each canon is then supplemented by a series of more specific principles.

## **IOWA HOUSING FINANCE AUTHORITY**

**Low income housing tax credits**, IAB Vol. XII, No. 3, ARC 9271A. Since 1990 the Authority has issued federal tax credits under the aegis of Section 42 of the federal Internal Revenue Code. These credits are awarded as an incentive to encourage developers to construct or rehabilitate low income housing. At least 10% of these credits must go to non-profit developers. At least 40% of the units must be rented to households earning less than 60% of the median income for a minimum period of 15 years. The applicants receiving an award of tax credits are given ten years of federal income tax benefits, which they sell to investors for approximately 70% to 75% of their total value. Iowa Code §16.52(2) specifically mandated this program be developed through rulemaking, but only skeletal rules were ever adopted (1990). Following the 1999 round of tax credit awards allegations were made that the awards process was unlawful due to the lack of properly adopted rules. In response the authority's governing board withdrew the 1999 commitments already made, with the intention of re-doing the entire 1999 process following the adoption of rules to fully detail the program. The board implemented these rules on an "emergency" basis following the notice of intended action. At one point when the rules were under notice, on a vote of 6-3, the ARRC voted an "informal" objection to the draft proposal. The action was in a sense a warning of what the committee might do if the rules were not revised. A final objection was never imposed.

Comment came in two broad categories. The first consisted of applicants who were successful under the initial process; they wished the rules to reflect the current evaluation process and wanted the 1999 round of awards to proceed as soon as possible. The second group were those who were unsuccessful under the earlier round. They wanted the rules to provide them an opportunity to reverse the earlier failure; to that end they believed in a complete re-application of the process.

After three formal ARRC meetings and numerous informal meetings all parties accepted a plan that simply re-did the entire 1999 awards process with rules largely based on existing practice. Authority representatives noted that a number of unsuccessful applicants appealed, but those issues were resolved. An updated set of rules will be proposed in April for the year 2000 round of credits.

## **INSURANCE DIVISION**

**Notification required for use of aftermarket crash parts**, IAB Vol. XXII, No. 12, ARC 9558A. Pursuant to Iowa Code §507B.6 the Commissioner of Insurance may determine whether particular insurance activities are unfair or deceptive. The Commissioner implemented a rule stating that any insurance policy which pays for only “aftermarket crash parts” must contain a conspicuous notice informing the policy holder of that fact, and noting that any warranty provided for aftermarket parts is provided by that particular part manufacturer, not the manufacturer of the vehicle. Aftermarket parts are copies of original equipment manufacturer products which have been reverse engineered by measuring the original equipment. This provision was highly controversial when initially noticed in June, with insurance industry representatives contending that the notice implied aftermarket parts were inferior. That controversy was resolved with a general understanding that the notice does not disparage the quality of these aftermarket parts. Committee members did note that consumers should be made aware of the use of aftermarket parts at the time the policy is sold, not at the time a claim is made. Industry representatives responded that policies were available offering “OEM”{original equipment manufacturer} parts only. The rule is still opposed by representatives of the auto body repair industry, who maintain that replacement parts are inferior to “OEM”. Committee members generally favored these rules but did refer the issue to the General Assembly for the information of the members of the House and Senate.

## **IOWA LAW ENFORCEMENT ACADEMY**

**Residence requirements**, IAB Vol. XXII, No. 6, ARC 9354A. Current law enforcement academy standards required officers to be residents of Iowa. The academy revised these residency requirements to state that in Iowa’s three border standard metropolitan statistical areas (Davenport, Sioux City, Council Bluffs) local officials, with the councils approval could waive the residency requirements. This proposal originated from a problem in Carter Lake, Iowa, where an officer was unable to find housing in the Nebraska-surrounded Iowa enclave. When initially reviewed in August committee reaction was mixed, with some members supporting the measure as a matter of local control while others questioned making general policy based on one problem. Members later focused on the issue of uniform application, noting that a special exception is provided to three areas in the state, based only on size. Members also questioned whether a valid distinction could be drawn between rural and urban Iowa. Rather than jeopardize the employment of the Carter Lakes officer, the committee chose to merely refer this issue to the legislature instead of taking any adverse action on the rule.

## **RACING AND GAMING COMMISSION**

**Definition of video machine**, IAB Vol. XXII, No. 10, ARC 9488A. Iowa Code §99D.1(9) specifically states that only slot machines may be authorized in racetracks; video machines are prohibited. However, increasingly casinos are using video screen slot machines in lieu of the reel machines. Commission representatives proposed to resolve this dilemma with a rule defining a

video machine as “...*video keno and any video machine version of a table or card game...*”; thus allowing the use of video slot machines. Committee members voiced support for this change but noted that the statute itself appeared to be outdated. For that reason the committee voted to refer this provision to the General Assembly, with the recommendation that a definition of video machine be set out in the Iowa Code. The legislature took no action, allowing the rule to go into effect.

## **DEPARTMENT OF REVENUE**

**Property tax on condominiums**, IAB Vol. XXI, No. 19, ARC 8725A. Under Iowa law apartment buildings are taxed as commercial property, while condominiums are taxed as residential property. The distinction was not particularly important until a residential property tax “rollback” resulted in a commercial rate roughly double that of residential. Developers and apartment owners then designated structures as condominiums, while in fact renting the dwelling units with no intention of sale. The department proposed to end this practice with a rule declaring that a condominium is to be valued as commercial property if over half the units are not sold or being offered for sale. The department estimated that the current number of conversions resulted in a tax shift of some \$1.7 million and extrapolated a possible impact of some \$53 million if all apartments converted to residential condominiums.

Opponents of the rule noted that Iowa Code §499B.11(1) specifically mandates that the tax be assessed against each individual apartment unit, thus allowing a mixture of residentially and commercially taxed units within one structure, with each parcel is assessed according to its use. The department and local assessors responded that the tax *is* levied against each apartment, but the initial determination whether that tax is residential or commercial is made on a per building basis, with the entire structure classified as commercial or residential. Opponents responded that such a system was arbitrary because it allowed a particular parcels designation as residential or commercial property to be determined by neighboring uses.

This issued was referred to the legislature, which resolved the issue in 99 Acts, Chapter 187 by leaving the statute intact but “grandfathering” those projects which were designated as condominiums as of January 1, 1999.

## **WORKFORCE DEVELOPMENT**

**Unemployment benefits**, IAB Vol. XXI, No. 17, ARC 8648A. New proposals, based on recommendations from the federal Department of Labor and various abused spouse organizations and state civil rights organizations would allow claims for unemployment compensation when an individual left employment due to “*workplace or domestic violence perpetrated against the individual at, around or in connection with the work.*” The rule was controversial because the end result is that the benefits paid under this rule are charged to the employers’ account even though the employer had no role or fault in the underlying dispute. More particularly, opponents noted that the underlying statute, §96.5(1), set out nine specific circumstances where a voluntary quit still entitled the applicant to unemployment benefits. None of these paragraphs related to workplace or domestic violence. The committee objected to this provision, noting that the statute specified the circumstances where a voluntary quit could still entitle an individual to qualify for unemployment compensation. The members felt that the terms of the statute could not be expanded by administrative rule. The department withdrew the rule in July, 1999. The ARRC did refer the issue of abuse to the legislature for additional consideration.

**Contested cases**, IAB Vol. XXII, No. 2, ARC 9220A. In response to 1998 Acts Chapter 1202 the department updated its procedures relating to the departments administrative law judges (ALJ). At issue was whether the Department of Workforce Development should transfer its 14 administrative law judges, and their caseload of unemployment benefit cases, to the Department of Inspections and Appeals (DIA).

Workforce Development maintained that in unemployment hearings the department acts in a purely adjudicatory role—that the parties to the case are actually the employer, whose tax rate may be impacted by an adverse claim, and the applicant seeking unemployment benefits; with the department merely providing the forum for the adjudication. Department representatives contended that the department complies with the Act by surrendering those cases in which it is an active participant. Those representatives pointed out that under the current rules the department is no longer even listed as a party to the case; they also note that the current system works well, with 14 specially trained ALJ's handling thousands of hearings annually; and that any party dissatisfied with the decision may appeal it through the Employment Appeal Board, which is housed within the DIA. The ARRC members requested the Administrative Rules Coordinator to resolve this issue. It was finally determined that the current process did comply with the provisions of the Act and Workforce Development retained jurisdiction over unemployment hearings.