

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 85

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

RELATING TO STATE PERSONNEL SYSTEM; AMENDING SECTION 67-5303, IDAHO CODE,
TO PROVIDE THAT CERTAIN PHYSICIANS EMPLOYED BY THE DEPARTMENT OF HEALTH
AND WELFARE ARE NONCLASSIFIED EMPLOYEES AND TO MAKE TECHNICAL CORREC-
TIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 67-5303, Idaho Code, be, and the same is hereby
amended to read as follows:

67-5303. APPLICATION TO STATE EMPLOYEES. All departments of the state
of Idaho and all employees in such departments, except those employees
specifically defined as nonclassified, shall be classified employees, who
are subject to this chapter and to the system of personnel administration
which it prescribes. Nonclassified employees shall be:

(a) Members of the state legislature and all other officers of the state
of Idaho elected by popular vote, and persons appointed to fill vacancies in
elective offices, and employees of the state legislature.

(b) Members of statutory boards and commissions and heads of depart-
ments appointed by and serving at the pleasure of the governor, deputy direc-
tors appointed by the director and members of advisory boards and councils
appointed by the departments.

(c) All employees and officers in the office, and at the residence, of
the governor; and all employees and officers in the offices of the lieutenant
governor, secretary of state, attorney general, state treasurer, state con-
troller, and state superintendent of public instruction who are appointed on
and after the effective date of this chapter.

(d) Except as otherwise provided by law, not more than one (1) declared
position for each board or commission and/or head of a participating depart-
ment, in addition to those declared to be nonclassified by other provisions
of law.

(e) Part-time professional consultants who are paid on a fee basis for
any form of legal, medical or other professional service, and who are not en-
gaged in the performance of administrative duties for the state.

(f) Judges, temporary referees, receivers and jurors.

(g) All employees of the Idaho supreme court, Idaho court of appeals and
district courts.

(h) All employees of the Idaho state bar.

(i) Assistant attorneys general attached to the office of the attorney
general.

(j) Officers, members of the teaching staffs of state educational in-
stitutions, the professional staff of the Idaho department of education
administered by the board of regents and the board of education, and the
professional staffs of the Idaho division of career technical education

1 and vocational rehabilitation administered by the state board for career
2 technical education. "Teaching staff" includes teachers, coaches, resident
3 directors, librarians and those principally engaged in academic research.
4 The word "officer" means presidents, vice presidents, deans, directors, or
5 employees in positions designated by the state board who receive an annual
6 salary of not less than step "A" of the pay grade equivalent to three hundred
7 fifty-five (355) Hay points in the state compensation schedule. A nonclas-
8 sified employee who is designated as an "officer" on July 5, 1991, but does
9 not meet the requirements of this subsection, may make a one (1) time irrev-
10 ocable election to remain nonclassified. Such an election must be made not
11 later than August 2, 1991. When such positions become vacant, these posi-
12 tions will be reviewed and designated as either classified or nonclassified
13 in accordance with this subsection.

14 (k) Employees of the military division.

15 (l) Patients, inmates or students employed in a state institution.

16 (m) Persons employed in positions established under federal grants,
17 which, by law, restrict employment eligibility to specific individuals or
18 groups on the basis of nonmerit selection requirements. Such employees
19 shall be termed "project exempt" and the tenure of their employment shall
20 be limited to the length of the project grant, or twenty-four (24) months,
21 or four thousand one hundred sixty (4,160) hours of credited state service,
22 whichever is of the shortest duration. No person hired on a project-exempt
23 appointment shall be employed in any position allocated to the classified
24 service.

25 (n) Temporary employees.

26 (o) All employees and officers of the following named commodity commis-
27 sions, and all employees and officers of any commodity commission created
28 hereafter: the Idaho potato commission, as provided in chapter 12, title
29 22, Idaho Code; the Idaho honey commission, as provided in chapter 28, ti-
30 tle 22, Idaho Code; the Idaho bean commission, as provided in chapter 29, ti-
31 tle 22, Idaho Code; the Idaho hop grower's commission, as provided in chapter
32 31, title 22, Idaho Code; the Idaho wheat commission, as provided in chap-
33 ter 33, title 22, Idaho Code; the Idaho pea and lentil commission, as pro-
34 vided in chapter 35, title 22, Idaho Code; the Idaho apple commission, as
35 provided in chapter 36, title 22, Idaho Code; the Idaho cherry commission,
36 as provided in chapter 37, title 22, Idaho Code; the Idaho mint grower's com-
37 mission, as provided in chapter 38, title 22, Idaho Code; the Idaho sheep and
38 goat health board, as provided in chapter 1, title 25, Idaho Code; the state
39 brand inspector, and all district supervisors, as provided in chapter 11,
40 title 25, Idaho Code; the Idaho beef council, as provided in chapter 29, ti-
41 tle 25, Idaho Code; and the Idaho dairy products commission, as provided in
42 chapter 31, title 25, Idaho Code.

43 (p) All inspectors of the fresh fruit and vegetable inspection service
44 of the Idaho department of agriculture, except those positions involved in
45 the management of the program.

46 (q) All employees of correctional industries within the department of
47 correction.

48 (r) All deputy administrators and wardens employed by the department of
49 correction. Deputy administrators are defined as only the deputy adminis-

1 trators working directly for the nonclassified division administrators un-
2 der the director of the department of correction.

3 (s) All public information positions, with the exception of secretar-
4 ial positions, in any department.

5 (t) Any division administrator.

6 (u) Any regional administrator or division administrator in the de-
7 partment of environmental quality.

8 (v) All employees of the division of financial management, all employ-
9 ees of the ~~stem~~ STEM action center, all employees of the office of species
10 conservation, all employees of the office of drug policy and all employees of
11 the office of energy resources.

12 (w) All employees of the Idaho food quality assurance institute.

13 (x) The state appellate public defender, deputy state appellate public
14 defenders and all other employees of the office of the state appellate public
15 defender.

16 (y) All quality assurance specialists or medical investigators of the
17 Idaho board of medicine.

18 (z) All pest survey and detection employees and their supervisors hired
19 specifically to carry out activities under the Idaho plant pest act, chapter
20 20, title 22, Idaho Code, including but not limited to pest survey, detec-
21 tion and eradication, except those positions involved in the management of
22 the program.

23 (aa) All licensed physicians employed by the department of health
24 and welfare engaged in the practice of medicine as defined in section
25 54-1803(1), Idaho Code.