

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 177

BY WAYS AND MEANS COMMITTEE

AN ACT

1
2 RELATING TO RETIRED OFFICERS; AMENDING SECTION 59-1356, IDAHO CODE, TO PRO-
3 VIDE FOR THE REEMPLOYMENT OF CERTAIN RETIRED MEMBERS; AND AMENDING SEC-
4 TION 33-1004H, IDAHO CODE, TO PROVIDE FOR SCHOOL RESOURCE OFFICERS AND
5 TO MAKE TECHNICAL CORRECTIONS.

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

7 SECTION 1. That Section 59-1356, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 59-1356. REEMPLOYMENT OF RETIRED MEMBERS. (1) If an early retired mem-
10 ber is reemployed with the same employer within ninety (90) days from retir-
11 ing, or the early retired member is guaranteed reemployment with the same em-
12 ployer, the member shall be considered to have continued in the status of an
13 employee and not to have separated from service. Any retirement allowance
14 payments received by the retired member shall be repaid to the system and
15 the retirement shall be negated. The month of last contribution prior to
16 the negated retirement and the month of initial contribution upon return to
17 reemployment shall be considered consecutive months of contributions in the
18 determination of an appropriate salary base period upon subsequent retire-
19 ment. A retired member is not considered to have separated from service if he
20 continues performing services for the same employer in any capacity includ-
21 ing, but not limited to, independent contractor, leased employee, or tempo-
22 rary services.

23 (2) Except as provided in subsection (3) of this section, when a re-
24 tired member meets the definition of an employee as defined in section
25 59-1302(14) (A) (a), Idaho Code, any benefit payable on behalf of such member
26 shall be suspended and any contributions payable by such member under sec-
27 tions 59-1331 through 59-1334, Idaho Code, shall again commence. The sus-
28 pended benefit, as adjusted pursuant to section 59-1355, Idaho Code, shall
29 resume upon subsequent retirement, along with a separate allowance computed
30 with respect to only that salary and service credited during the period of
31 reemployment. Any death benefit that becomes payable under the suspended
32 benefit shall be payable under section 59-1361(2), Idaho Code. Any death
33 benefit that becomes payable with respect to salary and service accrued dur-
34 ing the period of reemployment shall be payable under section 59-1361(3),
35 Idaho Code, if the member dies during the period of reemployment.

36 (3) If a retired member who is receiving a benefit that is not reduced
37 under section 59-1346, Idaho Code, and who has been retired for more than
38 six (6) months, again becomes employed as defined in this section and sec-
39 tion 59-1302(14) (A) (b), Idaho Code, as a result of being elected to a public
40 office other than an office held prior to retirement, the retired member may
41 elect to continue receiving benefits and not accrue additional service, in
42 which event no contributions shall be made by the member or employer during

1 such reemployment and any benefit payable on behalf of such member shall con-
2 tinue.

3 (4) If a retired ~~school teacher~~ schoolteacher or administrator who re-
4 tired on or after age sixty (60) years, or a public safety officer who re-
5 tired, and is receiving a benefit that is not reduced under section 59-1346,
6 Idaho Code, again becomes an employee as defined in this section and section
7 59-1302(14), Idaho Code, as a result of returning to employment with a school
8 district as provided in section 33-1004H, Idaho Code, the retired member may
9 elect to continue receiving benefits and not accrue additional service, in
10 which event no contributions shall be made by the member during such reem-
11 ployment and any benefit payable on behalf of such member shall continue.
12 However, the school district shall pay the required employer contribution
13 for that employee to the public employee retirement system.

14 (5) It is the responsibility of each employer to immediately report to
15 the retirement board the employment of any retired member so that benefit
16 payments can be suspended as provided in this section. If an employer fails
17 to properly report the employment of a retired member and it results in the
18 retirement board making benefit payments that should have been suspended,
19 the employer shall, in addition to paying delinquent employee and employer
20 contributions from the date of eligibility, also be responsible for repaying
21 to the retirement board the benefit payments made to the retired member that
22 should have been suspended, plus interest. The employer may then recoup such
23 payments from the retired member.

24 (6) For purposes of this section, "same employer" means the employer
25 for which the retired member last worked prior to retirement.

26 SECTION 2. That Section 33-1004H, Idaho Code, be, and the same is hereby
27 amended to read as follows:

28 33-1004H. EMPLOYING RETIRED TEACHERS AND ADMINISTRATORS. (1)
29 Notwithstanding the provisions of section 33-514, 33-1271 or 33-1273, Idaho
30 Code, school districts may employ school resource officers, certificated
31 ~~school teachers~~ schoolteachers, and administrators who are receiving re-
32 tirement benefits from the public employee retirement system of Idaho,
33 except those who received benefits under the early retirement program pre-
34 viously provided by the state in positions requiring such certification,
35 as at-will employees. Any employment contract between the retiree and the
36 school district shall be separate and apart from the collective bargaining
37 agreement of the school district.

38 (2) Retirees employed under this section shall accrue one (1) day
39 per month of sick leave, with no annual sick leave accumulation unless
40 additional sick leave is negotiated between the candidate and the school
41 district at the time of employment. No sick leave accrued under this section
42 qualifies for unused sick leave benefits under section 33-1228, Idaho Code.

43 (3) School districts are not required to provide health insurance or
44 life insurance benefits to persons employed under this section. Post-ter-
45 mination benefits may be negotiated between the school district and the cer-
46 tificated employee at the time of rehiring but in no event can the parties
47 affect or attempt to affect the provisions governing the public employee re-
48 tirement system.