

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 490

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO NONCLASSIFIED STATE OFFICERS AND EMPLOYEES; AMENDING SECTION
2 59-1603, IDAHO CODE, TO CLARIFY A PROVISION REGARDING THE SALARY OR
3 WAGE OF CERTAIN NONCLASSIFIED EMPLOYEES, TO PROVIDE THAT DEPARTMENT
4 DIRECTORS AND THE ADMINISTRATOR OF THE DIVISION OF HUMAN RESOURCES ARE
5 AUTHORIZED TO SEEK CERTAIN REMEDIES FROM CERTAIN EMPLOYEES WHO RESIGN
6 AFTER RECEIVING A RECRUITMENT OR RETENTION BONUS AND TO MAKE TECHNICAL
7 CORRECTIONS.
8

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

10 SECTION 1. That Section 59-1603, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 59-1603. CONFORMITY WITH CLASSIFIED POSITIONS. (1) To the extent pos-
13 sible, each nonclassified position in the executive department will be paid
14 a salary or wage comparable to classified positions with similar duties, re-
15 sponsibilities, training, experience and other qualifications in consulta-
16 tion with the division of human resources. Temporary employees and agricul-
17 tural inspectors referred to in subsections (n) and (p) of section 67-5303,
18 Idaho Code, shall not be entitled to sick leave accruals provided in section
19 59-1605, Idaho Code, vacation leave provided in section 59-1606, Idaho Code,
20 nor holiday pay defined in subsection (15) of section 67-5302, Idaho Code,
21 unless contributions are being made to the public employee retirement system
22 in accordance with chapter 13, title 59, Idaho Code, and rules promulgated by
23 the retirement board. Vacation and sick leave accruals, but not holiday pay,
24 shall be awarded retroactively, if necessary, to the date such employees be-
25 come eligible for retirement system membership.

26 (2) To the extent possible, each nonclassified position in the legisla-
27 tive department will be paid a salary or wage comparable to classified posi-
28 tions with similar duties, responsibilities, training, experience and other
29 qualifications.

30 (3) The supreme court shall determine the schedules of salary and com-
31 pensation for all officers and employees of the judicial department ~~which~~
32 that are not otherwise fixed by law. To the extent possible, the supreme
33 court shall adopt schedules ~~which are~~ compatible with the state's account-
34 ing system. The judicial department may also maintain personnel records and
35 files under such system as is ordered by the supreme court.

36 (4) The state board of education shall determine the schedules of
37 salary and compensation, and prescribe policies for overtime and compen-
38 satory time off from duty, for all officers and employees of the state board
39 of education who are not subject to the provisions of chapter 53, title 67,
40 Idaho Code, and which are not otherwise fixed by law. To the extent possible,
41 the state board of education shall adopt schedules and policies ~~which are~~
42 compatible with the state's accounting system. The state board of education

1 may also maintain personnel records and files under a system of its own, if
2 approved by the state controller.

3 (5) Members of the legislature, the lieutenant governor, other offi-
4 cers whose salaries are fixed by law, and members of part-time boards, com-
5 missions and committees shall be paid according to law.

6 (6) Any schedule of salary and compensation must be approved by the ap-
7 pointing authority and be communicated to the state controller in writing at
8 least thirty (30) days in advance of the effective date of the schedule.

9 (7) In addition to salary increases provided by any compensation
10 schedule adopted pursuant to ~~paragraph subsection~~ (6) of this section, non-
11 classified officers and employees, except those who are elected officials
12 or whose salaries are fixed by law, may be granted an award not to exceed two
13 thousand dollars (\$2,000) in any given fiscal year based upon an affirmative
14 certification of meritorious service. Exceptions to the two thousand dollar
15 (\$2,000) limit provided in this section may be granted under extraordinary
16 circumstances if approved in advance by the state board of examiners. Ap-
17 pointing authorities shall submit a report to the division of financial
18 management and the legislative services office by October 1 on all awards
19 granted in the preceding fiscal year.

20 (8) In addition to salary increases provided by any compensation sched-
21 ule, nonclassified officers and employees, except those who are elected
22 officials or whose salaries are fixed by law, may be granted an award not
23 to exceed two thousand dollars (\$2,000) in any given fiscal year based upon
24 suggestions or recommendations made by the employee ~~which that~~ resulted in
25 taxpayer savings as a result of cost savings or greater efficiencies to the
26 department, office or institution or to the state of Idaho in excess of the
27 amount of the award. Exceptions to the two thousand dollar (\$2,000) limit
28 provided in this subsection may be granted in extraordinary circumstances
29 if approved in advance by the state board of examiners. The appointing au-
30 thority shall as near as practicable utilize the criteria in conformance
31 with rules promulgated by the division of human resources pursuant to sec-
32 tion 67-5309D, Idaho Code. Appointing authorities shall submit a report to
33 the division of financial management and the legislative services office by
34 October 1 on all employee suggestion awards granted in the preceding fiscal
35 year. Such report shall include any changes made as a direct result of an
36 employee's suggestion and savings resulting therefrom.

37 (9) Each appointing authority, including the elective offices in the
38 executive department, the legislative department, the judicial department,
39 and the state board of education and the board of regents, shall comply with
40 all reporting requirements necessary to produce the list of employee posi-
41 tions prescribed by section 67-3519, Idaho Code.

42 (10) The adjutant general, with the approval of the governor, shall
43 prescribe personnel policies for all officers and employees of the national
44 guard ~~which that~~ are not otherwise fixed by law. Such policies will in-
45 clude an employee grievance procedure with appeal to the adjutant general.
46 The adjutant general shall determine schedules of salary and compensation
47 ~~which that~~ are, to the extent possible, comparable to the schedules used for
48 federal civil service employees of the national guard and those employees
49 serving in military status. Schedules adopted shall be compatible with the
50 state's accounting system to the extent possible.

1 (11) In addition to salary increases provided by any compensation
2 schedule, nonclassified officers and employees, except those who are
3 elected officials or whose salaries are fixed by law, may be granted award
4 pay for recruitment or retention purposes based upon affirmative certifi-
5 cation of meritorious service after completion of at least six (6) months
6 of service. Department directors and the administrator of the division of
7 human resources are authorized to seek legal remedies available, including
8 deductions from an employee's accrued vacation funds, from an employee who
9 resigns during the designated period of time after receipt of a recruitment
10 or retention bonus. Appointing authorities shall submit a report to the
11 division of financial management and the legislative services office by Oc-
12 tober 1 on all such awards granted in the preceding fiscal year.

13 (12) In addition to salary increases provided by any compensation
14 schedule, nonclassified officers and employees, except those who are
15 elected officials or whose salaries are fixed by law, may be granted other
16 pay as provided in this subsection. Appointing authorities shall submit a
17 report to the division of financial management and the legislative services
18 office by October 1 on all such awards granted in the preceding fiscal year,
19 including:

20 (a) Shift differential pay up to twenty-five percent (25%) of hourly
21 rates depending on local market rates in order to attract and retain
22 qualified staff; and

23 (b) Geographic differential pay in areas of the state where recruitment
24 and retention are difficult due to economic conditions and cost of liv-
25 ing.

26 (13) In unusual circumstances, when a distribution has been approved
27 for classified employees pursuant to section 67-5309D, Idaho Code, each
28 appointing authority, including the elective offices in the executive
29 branch, the legislative branch, the judicial branch, and the state board
30 of education and the board of regents of the university of Idaho, may grant
31 nonclassified employees nonmerit pay in the same proportion as received by
32 classified employees in that department or institution. Appointing author-
33 ities shall submit a report to the division of financial management and the
34 legislative services office by October 1 on all such awards granted in the
35 preceding fiscal year.

36 (14) Each appointing authority, shall, as nearly as practicable, uti-
37 lize the criteria for reimbursement of moving expenses in conformance with
38 section 67-5337, Idaho Code, and rules promulgated by the division of human
39 resources pursuant thereto. Appointing authorities shall submit a report to
40 the division of financial management and the legislative services office by
41 October 1 on all moving reimbursements granted in the preceding fiscal year.

42 (15) Specific pay codes shall be established and maintained in the state
43 controller's office to ensure accurate reporting and monitoring of all pay
44 actions authorized in this section.