

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 431

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

RELATING TO THE STATE PERSONNEL SYSTEM; AMENDING SECTION 67-5303, IDAHO CODE, TO PROVIDE THAT MEDICAL DIRECTORS EMPLOYED AT STATE HOSPITALS SHALL BE NONCLASSIFIED EMPLOYEES AND TO MAKE TECHNICAL CORRECTIONS.

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 departments appointed by and serving at the pleasure of the governor, deputy directors 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 controller, 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 department, 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 engaged 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 institutions, 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 and vocational rehabilitation administered by the state board for career

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

13 (k) Employees of the military division.

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

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

24 (n) Temporary employees.

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

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

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

47 (r) All deputy administrators and wardens employed by the department of
48 correction. Deputy administrators are defined as only the deputy adminis-
49 trators working directly for the nonclassified division administrators un-
50 der the director of the department of correction.

- 1 (s) All public information positions, with the exception of secretar-
2 ial positions, in any department.
- 3 (t) Any division administrator.
- 4 (u) Any regional administrator or division administrator in the de-
5 partment of environmental quality.
- 6 (v) All employees of the division of financial management, all employ-
7 ees of the ~~stem~~ STEM action center, all employees of the office of species
8 conservation, all employees of the office of drug policy and all employees of
9 the office of energy resources.
- 10 (w) All employees of the Idaho food quality assurance institute.
- 11 (x) The state appellate public defender, deputy state appellate public
12 defenders and all other employees of the office of the state appellate public
13 defender.
- 14 (y) All quality assurance specialists or medical investigators of the
15 Idaho board of medicine.
- 16 (z) All pest survey and detection employees and their supervisors hired
17 specifically to carry out activities under the Idaho plant pest act, chapter
18 20, title 22, Idaho Code, including but not limited to pest survey, detec-
19 tion and eradication, except those positions involved in the management of
20 the program.
- 21 (aa) All medical directors employed by the department of health and
22 welfare who are engaged in the practice of medicine, as defined by section
23 54-1803, Idaho Code, at an institution named in section 66-115, Idaho Code.