

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 41

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO SEVERANCE PAY FOR PUBLIC EMPLOYEES; AMENDING CHAPTER 10, TITLE 59, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 59-1027, IDAHO CODE, TO PROVIDE THAT NO PUBLIC EMPLOYEE SHALL BE ELIGIBLE FOR SEVERANCE PAY AND TO PROVIDE DEFINITIONS; REPEALING SECTION 67-5342, IDAHO CODE, RELATING TO SEVERANCE PAY FOR STATE EMPLOYEES; REPEALING SECTION 67-5342A, IDAHO CODE, RELATING TO SEVERANCE PAY AND PURCHASE OF MEMBERSHIP SERVICE BY STATE EMPLOYEES; AND AMENDING SECTION 59-1363, IDAHO CODE, TO REMOVE A PROVISION REGARDING EMPLOYER PURCHASE OF MEMBERSHIP SERVICE.

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

SECTION 1. That Chapter 10, Title 59, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 59-1027, Idaho Code, and to read as follows:

59-1027. SEVERANCE PAY FOR PUBLIC EMPLOYEES. (1) Upon termination from service, no public employee shall be eligible for severance pay, and no public employer shall provide or pay severance pay to a public employee or former employee.

(2) As used in this section, "public employee" means an officer, board member, commissioner, executive, employee, or servant of a governmental entity, including elected or appointed officials, and persons acting on behalf of the governmental entity in any official capacity, temporarily or permanently in the service of the governmental entity.

(3) As used in this section, "public employer" means:

(a) The state of Idaho, including all branches, departments, divisions, agencies, boards, commissions, and other governmental bodies of the state; and

(b) Counties, cities, districts, and all other political subdivisions of the state of Idaho.

(4) As used in this section, "severance pay" means:

(a) Money, exclusive of wages or salary, vacation leave payoff, compensatory time leave, sick leave payoff, and earned administrative leave payoff, paid to a public employee who resigns from service of his own volition and not under duress; and

(b) Any payment by an employer toward the purchase of membership service pursuant to section 59-1363, Idaho Code. Nothing in this section shall change any rights provided pursuant to section 59-1362, Idaho Code, related to active duty service.

SECTION 2. That Section 67-5342, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Section 67-5342A, Idaho Code, be, and the same is hereby repealed.

1 SECTION 4. That Section 59-1363, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 59-1363. PURCHASE OF MEMBERSHIP SERVICE. (1) Notwithstanding any
4 other provision of this chapter, an active or inactive member who is vested
5 may purchase up to forty-eight (48) months of membership service.

6 (2) The cost of purchases under this section shall be the full actuarial
7 costs of the service as determined by the board. The board may provide for
8 payment options, including periodic payments, but no service shall be cred-
9 ited until payment has been made in full. The member shall be solely respon-
10 sible for the costs of such purchased service, ~~except that an employer may~~
11 ~~participate in the costs at its option.~~

12 (3) In no event shall any member be allowed to purchase in the aggregate
13 more than forty-eight (48) months of membership service under this section.