

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 588

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO WILDLAND FIREFIGHTERS; AMENDING SECTION 59-1603, IDAHO CODE,  
2 TO PROVIDE FOR WILDLAND FIREFIGHTER DIFFERENTIAL PAY; AMENDING SECTION  
3 67-5309D, IDAHO CODE, TO PROVIDE FOR WILDLAND FIREFIGHTER DIFFERENTIAL  
4 PAY AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.  
5

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

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

9 59-1603. CONFORMITY WITH CLASSIFIED POSITIONS. (1) To the extent pos-  
10 sible, each nonclassified position in the executive department will be paid  
11 a salary or wage comparable to classified positions with similar duties, re-  
12 sponsibilities, training, experience and other qualifications in consulta-  
13 tion with the division of human resources. Temporary employees and agricul-  
14 tural inspectors referred to in subsections (n) and (p) of section 67-5303,  
15 Idaho Code, shall not be entitled to sick leave accruals provided in section  
16 59-1605, Idaho Code, vacation leave provided in section 59-1606, Idaho Code,  
17 nor holiday pay defined in subsection (15) of section 67-5302, Idaho Code,  
18 unless contributions are being made to the public employee retirement system  
19 in accordance with chapter 13, title 59, Idaho Code, and rules promulgated by  
20 the retirement board. Vacation and sick leave accruals, but not holiday pay,  
21 shall be awarded retroactively, if necessary, to the date such employees be-  
22 come eligible for retirement system membership.

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

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

33 (4) The state board of education shall determine the schedules of  
34 salary and compensation, and prescribe policies for overtime and compen-  
35 satory time off from duty, for all officers and employees of the state board  
36 of education who are not subject to the provisions of chapter 53, title 67,  
37 Idaho Code, and which are not otherwise fixed by law. To the extent possible,  
38 the state board of education shall adopt schedules and policies compatible  
39 with the state's accounting system. The state board of education may also  
40 maintain personnel records and files under a system of its own, if approved  
41 by the state controller.

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

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

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

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

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

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

49 (11) In addition to salary increases provided by any compensation  
50 schedule, nonclassified officers and employees, except those who are

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

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

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

21 (b) Geographic differential pay in areas of the state where recruitment  
22 and retention are difficult due to economic conditions and cost of liv-  
23 ing-; ~~and~~

24 (c) Wildland firefighter differential pay up to twenty-five percent  
25 (25%) of hourly rates for wildland firefighting personnel who hold cur-  
26 rent incident qualification cards while working on the fireline of a  
27 fire incident not deemed controlled or at a fire incident helibase ser-  
28 vicicing active flights.

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

39 (14) Each appointing authority shall, as nearly as practicable, utilize  
40 the criteria for reimbursement of moving expenses in conformance with sec-  
41 tion 67-5337, Idaho Code, and rules promulgated by the division of human re-  
42 sources pursuant thereto. Appointing authorities shall submit a report to  
43 the division of financial management and the legislative services office by  
44 October 1 on all moving reimbursements granted in the preceding fiscal year.

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

48 SECTION 2. That Section 67-5309D, Idaho Code, be, and the same is hereby  
49 amended to read as follows:

1           67-5309D. OTHER PAY DELIVERY OPTIONS. (1) In addition to pay increases  
2 authorized in section 67-5309B, Idaho Code, the department director may  
3 grant a classified employee bonus pay not to exceed two thousand dollars  
4 (\$2,000) in any given fiscal year based upon exemplary performance. Excep-  
5 tions to the two-thousand-dollar (\$2,000) limit provided in this subsection  
6 may be granted in extraordinary circumstances if approved in advance by the  
7 state board of examiners. Departments shall submit a report to the division  
8 of financial management and the legislative services office by October 1 on  
9 all bonuses granted in the preceding fiscal year.

10           (2) In addition to pay increases authorized in section 67-5309B, Idaho  
11 Code, the department director may grant a classified employee an award pay-  
12 ment based upon suggestions or recommendations made by the employee that re-  
13 sulted in taxpayer savings as a result of cost savings or greater efficien-  
14 cies to the department or to the state of Idaho in excess of the amount of the  
15 award, and in compliance with the rules for employee suggestion awards pro-  
16 mulgated by the division of human resources. The award may be an amount up to  
17 twenty-five percent (25%) of the amount determined to be the dollar savings  
18 to the state, but not in excess of two thousand dollars (\$2,000). Exceptions  
19 to the two-thousand-dollar (\$2,000) limit provided in this subsection may be  
20 granted in extraordinary circumstances if approved in advance by the state  
21 board of examiners. Departments shall submit a report to the division of fi-  
22 nancial management and the legislative services office by October 1 on all  
23 employee suggestion awards granted in the preceding fiscal year. Such re-  
24 port shall include any changes made as a direct result of an employee's sug-  
25 gestion and savings resulting therefrom.

26           (3) In addition to pay increases authorized in section 67-5309B, Idaho  
27 Code, the department director may grant award pay to a classified employee  
28 for recruitment or retention purposes upon completion of at least six (6)  
29 months of achieving performance standards. The department director and the  
30 administrator of the division of human resources are authorized to seek le-  
31 gal remedies available, including deductions from an employee's accrued va-  
32 cation funds, from an employee who resigns during the designated period of  
33 time after receipt of a recruitment or retention bonus. Departments shall  
34 submit a report to the division of financial management and the legislative  
35 services office by October 1 on all such awards granted in the preceding fis-  
36 cal year.

37           (4) In addition to pay increases authorized in section 67-5309B, Idaho  
38 Code, department directors may provide a classified employee other nonper-  
39 formance-related pay as provided in this subsection. Departments shall sub-  
40 mit a report to the division of financial management and the legislative ser-  
41 vices office by October 1 on all such awards granted in the preceding fiscal  
42 year, including:

- 43           (a) Shift differential pay up to twenty-five percent (25%) of hourly  
44 rates depending on local market rates in order to attract and retain  
45 qualified staff;
- 46           (b) Geographic differential pay in areas of the state where recruitment  
47 and retention of qualified staff are difficult due to economic condi-  
48 tions and cost of living; and
- 49           (c) Wildland firefighter differential pay up to twenty-five percent  
50 (25%) of hourly rates for wildland firefighting personnel who hold cur-

1       rent incident qualification cards while working on the fireline of a  
2       fire incident not deemed controlled or at a fire incident helibase ser-  
3       vicings active flights.

4 Employees in the same classification who are similarly situated shall be  
5 treated consistently in respect to shift differential and geographic pay  
6 differential.

7       (5) When necessary to obtain or retain qualified personnel in a partic-  
8 ular classification, upon petition of the department to the administrator  
9 containing acceptable reasons therefor, a higher temporary pay grade may be  
10 authorized by the administrator that, if granted, shall be reviewed annually  
11 to determine the need for continuance.

12       (6) In unusual circumstances, with prior approval from the administra-  
13 tors of the division of human resources and the division of financial manage-  
14 ment, agencies may grant nonperformance-related pay to employees, which in  
15 no case may exceed five percent (5%) of an employee's base pay. Departments  
16 shall submit a report to the division of financial management and the leg-  
17 islative services office by October 1 on all such awards granted in the pre-  
18 ceding fiscal year.

19       (7) Specific pay codes shall be established and maintained in the state  
20 controller's office to ensure accurate reporting and monitoring of all pay  
21 actions authorized in this section.

22       SECTION 3. An emergency existing therefor, which emergency is hereby  
23 declared to exist, this act shall be in full force and effect on and after its  
24 passage and approval.