

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 458

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING CHAPTER 13,
2 TITLE 59, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 59-1354A,
3 IDAHO CODE, TO PROVIDE PROVISIONS WHEN A RETIRED MEMBER RECEIVING
4 A DISABILITY RETIREMENT ALLOWANCE MAY RETURN TO WORK, TO PROVIDE
5 PROCEDURES AND TO DEFINE THE TERM "RETURN TO WORK."
6

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

8 SECTION 1. That Chapter 13, Title 59, Idaho Code, be, and the same is
9 hereby amended by the addition thereto of a NEW SECTION, to be known and
10 designated as Section 59-1354A, Idaho Code, and to read as follows:

11 59-1354A. MEMBERS RECEIVING A DISABILITY RETIREMENT RETURNING TO
12 WORK. (1) A retired member receiving a disability retirement allowance may
13 return to work under the following conditions:

14 (a) The retired member must notify the executive director in writing in
15 advance of the return to work; and

16 (b) The disability retirement allowance shall terminate upon such
17 notification.

18 (2) The disability retirement allowance of a retired member who returns
19 to work under subsection (1) of this section shall resume if:

20 (a) The retired member terminates his return to work within one
21 hundred fifty (150) days from the date of the notification required in
22 subsection (1) (a) of this section;

23 (b) The retired member makes a written request to the board; and

24 (c) The board determines that the member is disabled, as defined
25 in section 59-1302(12), Idaho Code, and that the member could not
26 successfully return to work because of the same disability on which his
27 disability retirement was based.

28 (3) In making its decision, the board may require the member to submit
29 medical records in support of his request and may require the member to
30 submit to a medical examination. The refusal to submit such records or to
31 submit to such examination shall constitute proof that the member is not
32 disabled. If the board requires a medical examination, any costs associated
33 with such examination must be paid by the member. A disability retirement
34 allowance that is resumed under this section shall be payable the first of
35 the month after the board makes the determination described herein.

36 (4) If a retired member receiving a disability retirement allowance who
37 returns to work again meets the definition of employee as defined in section
38 59-1302(14) (A), Idaho Code, eligibility for disability retirement shall be
39 determined in accordance with sections 59-1302(12), 59-1352 and 59-1354,
40 Idaho Code.

41 (5) For the purposes of this section, "return to work" means being
42 engaged in any activity for which compensation is normally paid.