

IN THE SENATE

SENATE BILL NO. 1031

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO THE PERSONNEL SYSTEM AND THE IDAHO DEPARTMENT OF CORRECTION;  
AMENDING SECTION 67-5303, IDAHO CODE, TO REVISE THE DEFINITION OF  
DEPUTY ADMINISTRATORS.

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 depart-  
ments appointed by and serving at the pleasure of the governor, deputy direc-  
tors 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 con-  
troller, 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 depart-  
ment 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 en-  
gaged 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 in-  
stitutions, 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 professional-technical edu-  
cation and vocational rehabilitation administered by the state board for

1 professional-technical education. "Teaching staff" includes teachers,  
2 coaches, resident directors, librarians and those principally engaged in  
3 academic research. The word "officer" means presidents, vice presidents,  
4 deans, directors, or employees in positions designated by the state board  
5 who receive an annual salary of not less than step "A" of the pay grade equiv-  
6 alent to three hundred fifty-five (355) Hay points in the state compensation  
7 schedule. A nonclassified employee who is designated as an "officer" on July  
8 5, 1991, but does not meet the requirements of this subsection, may make a  
9 one (1) time irrevocable election to remain nonclassified. Such an election  
10 must be made not later than August 2, 1991. When such positions become va-  
11 cant, these positions will be reviewed and designated as either classified  
12 or nonclassified 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 22,  
28 Idaho Code; the Idaho honey advertising commission, as provided in chapter  
29 28, title 22, Idaho Code; the Idaho bean commission, as provided in chapter  
30 29, title 22, Idaho Code; the Idaho hop grower's commission, as provided in  
31 chapter 31, title 22, Idaho Code; the Idaho wheat commission, as provided  
32 in chapter 33, title 22, Idaho Code; the Idaho pea and lentil commission, as  
33 provided 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 state board  
37 of sheep commissioners, as provided in chapter 1, title 25, Idaho Code; the  
38 state brand inspector, and all district supervisors, as provided in chapter  
39 11, title 25, Idaho Code; the Idaho beef council, as provided in chapter 29,  
40 title 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 ~~six~~ (6) deputy ad-  
49 ministrators working directly for the ~~two~~ (2) nonclassified division admin-  
50 istrators under the director of the department of correction.

- 1 (s) All public information positions with the exception of secretarial  
2 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.
- 7 (w) All employees of the Idaho food quality assurance institute.
- 8 (x) The state appellate public defender, deputy state appellate public  
9 defenders and all other employees of the office of the state appellate public  
10 defender.
- 11 (y) All quality assurance specialists or medical investigators of the  
12 Idaho board of medicine.
- 13 (z) All pest survey and detection employees and their supervisors hired  
14 specifically to carry out activities under the Idaho plant pest act, chapter  
15 20, title 22, Idaho Code, including but not limited to pest survey, detec-  
16 tion and eradication, except those positions involved in the management of  
17 the program.