

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 433

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO RULES OF THE DIVISION OF HUMAN RESOURCES AND THE PERSONNEL COM-
2 MISSION; AMENDING SECTION 67-5309, IDAHO CODE, TO PROVIDE FOR A CERTAIN
3 LIMITATION ON DEGREE REQUIREMENTS, TO PROVIDE FOR JOB QUALIFICATION
4 EQUIVALENCY THROUGH ALTERNATIVE MEANS, AND TO MAKE TECHNICAL CORREC-
5 TIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
6

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

8 SECTION 1. That Section 67-5309, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 67-5309. RULES OF THE DIVISION OF HUMAN RESOURCES AND THE PERSONNEL
11 COMMISSION. The administrator of the division of human resources shall have
12 the power and authority to adopt, amend, or rescind such rules as may be nec-
13 essary for proper administration of this chapter. Such rules may include:

14 (a) A rule requiring the administrator, after consulting with each
15 department, to develop, adopt, and make effective a job classification
16 system for positions covered by this chapter, based on an analysis of the
17 duties and responsibilities of the positions. The job classification shall
18 include an appropriate title for each class and a description of duties
19 and responsibilities of positions in the classes and the requirements of
20 minimum training, skills, capabilities, work, or relevant experience and
21 other qualifications suitable for the performance of duties of the position.
22 Except for job classifications legally required to possess a professional
23 license or credential or postsecondary degree, as determined by the admin-
24 istrator, no job classification may require a postsecondary degree unless
25 the job description describes the necessity. Applicants may demonstrate
26 qualifications or equivalency to any substantiated postsecondary degree
27 requirements using relevant and comparable work or volunteer experience,
28 education, skills, capabilities, expertise, or nondegree credentials,
29 including but not limited to skill-based certificates, badges, or profes-
30 sional certifications.

31 (b) A rule describing the relevant labor markets and benchmark job
32 classifications used in the administrator's salary surveys.

33 (c) A rule requiring that all classes of positions that are common to
34 the departments concerned shall have the same titles, minimum requirements
35 and compensation ranges.

36 (d) A rule providing for review by the administrator of the personnel
37 system, including classifications and compensation policies and procedures
38 of state classified and nonclassified employees.

39 (e) A rule that, notwithstanding the procedure for examination and
40 ranking of eligible applicants on a register provided in subsection (f) of
41 this section, offers an alternative application process for persons with
42 disabilities.

1 (f) A rule requiring fair and impartial selection of appointees to all
2 positions, other than those defined as nonclassified in this chapter, on the
3 basis of open competitive merit examinations or evaluations. An applica-
4 tion for an examination will be accepted after the closing date of the exam-
5 ination from a person who was serving in the armed forces or undergoing ser-
6 vice-connected hospitalization up to one (1) year following discharge. The
7 application must be submitted within one hundred twenty (120) days of separa-
8 tion from the armed forces or hospitalization and prior to the expiration
9 of the register established as a result of the examination. A disabled veter-
10 eran may file an application at any time up until a selection has been made
11 for any position for which the division maintains a register as a source for
12 future job openings or for which a register is about to be established, pro-
13 vided he or she has not already been examined twice for the same position and
14 grade for which application is made, does not have current eligibility on
15 that register, or is not serving in a competitive position in the same grade
16 for which application is made. Examinations may be assembled or unassembled
17 and may include various examining techniques such as rating of training and
18 experience, written tests, oral interviews, recognition of professional li-
19 censing, performance tests, investigations and any other measure of ability
20 to perform the duties of the position. Examinations shall be scored objec-
21 tively. Five (5) points shall be added to the earned rating of any veteran as
22 defined in section 65-203, Idaho Code, and the widow or widower of any vet-
23 eran as defined in section 65-203, Idaho Code, as long as he or she remains
24 unmarried. Pursuant to section 65-504, Idaho Code, ten (10) points shall
25 be added to the earned rating of any disabled veteran as defined in section
26 65-502, Idaho Code, the widow or widower of any disabled veteran as long as he
27 or she remains unmarried, or the spouse of any eligible disabled veteran who
28 cannot qualify for any public employment because of a service-connected dis-
29 ability. Employment registers shall be established in order of final score,
30 except that the names of all five (5) and ten (10) point preference eligibles
31 resulting from any merit system or civil service examination shall be placed
32 on the register in accordance with their augmented rating. Selective certi-
33 fication shall be permitted when justified by the hiring department, under
34 rules to be made by the division defining adequate justification based on the
35 duties and requirements of the positions. Such examinations need not be held
36 until after the rules have been adopted, the service classified, and a pay
37 plan established, but ~~shall be held not later than~~ they shall be held within
38 one (1) year after departments commence participation in the personnel sys-
39 tem.

40 (g) A rule that, whenever practicable, a vacancy in a classified posi-
41 tion shall be filled by the promotion of a qualified employee of the agency
42 in which the vacancy occurs. An interagency promotion shall be made through
43 competitive examination and all qualified state employees shall have the
44 opportunity to compete for such promotions. If an employee's name appears
45 within certifiable range on a current register for a higher class of posi-
46 tion, he shall be eligible for a transfer and promotion.

47 (h) A rule for development and maintenance of a system of service rat-
48 ings and the use of such ratings by all departments in connection with pro-
49 motions, demotions, retentions, separations and reassignments. The rule
50 shall require that an evaluation of each classified employee shall be made

1 after each two_thousand_eighty (2,080) hour period of credited state ser-
2 vice and that a copy of the evaluation shall be filed with the division.

3 (i) A rule prohibiting disqualification of any person from taking an
4 examination, from appointment to a position, from promotion, or from holding
5 a position because of race or national origin, color, sex, age, political or
6 religious opinions or affiliations, and providing for right of appeal.

7 (j) A rule establishing a probation period not to exceed one thousand
8 forty (1,040) hours of credited state service for all classified appoint-
9 ments and promotions, except that peace officers as defined in section
10 19-5101, Idaho Code, shall be subject to a probation period of two thou-
11 sand eighty (2,080) hours of credited state service, and for the appointing
12 authority to provide the employee and the administrator a performance evalu-
13 ation indicating satisfactory or unsatisfactory performance. The employee
14 shall be deemed to have satisfactorily completed the probation unless, prior
15 to one thousand forty (1,040) hours, or two thousand eighty (2,080) hours for
16 peace officers, the appointing authority receives approval from the admin-
17 istrator to extend the probationary period for good cause for an additional
18 specified period not to exceed one thousand forty (1,040) hours of credited
19 state service. If an employee is performing in an unsatisfactory manner
20 during the entrance probationary period, the appointing authority shall ask
21 the employee to resign and, if no resignation is submitted, shall terminate
22 the employment of such employee without the right of grievance or appeal.

23 (k) A rule concerning temporary appointments.

24 (l) A rule governing the employment of consultants and persons retained
25 under independent contract.

26 (m) A rule for the disciplinary dismissal, demotion, suspension or
27 other discipline of classified employees only for cause, with reasons given
28 in writing. Such rule shall provide that any of the following reasons shall
29 be proper cause for the disciplinary dismissal, demotion or suspension of
30 any employee in the state classified service:

31 1. Failure to perform the duties and carry out the obligations imposed
32 by the state constitution, state statutes and rules of the employee's
33 department, or rules of the administrator or the division.

34 2. Inefficiency, incompetency, or negligence in the performance of
35 duties; or job performance that fails to meet established performance
36 standards.

37 3. Physical or mental incapability for performing assigned duties.

38 4. Refusal to accept a reasonable and proper assignment from an autho-
39 rized supervisor.

40 5. Insubordination or conduct unbecoming a state employee or conduct
41 detrimental to good order and discipline in the employee's department.

42 6. Intoxication on duty.

43 7. Careless, negligent, or improper use or unlawful conversion of state
44 property, equipment or funds.

45 8. Use of any influence that violates the principles of the merit system
46 in an attempt to secure a promotion or privileges for individual advan-
47 tage.

48 9. Conviction of official misconduct in office or conviction of any
49 crime that is deemed relevant in accordance with section 67-9411(1),
50 Idaho Code.

1 10. Acceptance of gifts in exchange for influence or favors given in the
2 employee's official capacity.

3 11. Habitual pattern of failure to report for duty at the assigned place
4 and time.

5 12. Habitual improper use of sick leave privileges.

6 13. Unauthorized disclosure of confidential information from official
7 records.

8 14. Unapproved absence without leave.

9 15. Misstatement or deception in the application for the position.

10 16. Failure to obtain or maintain a current license or certificate law-
11 fully required as a condition for performing the duties of the job.

12 17. Prohibited participation in political activities.

13 (n) A rule to establish procedures for maintenance of a record of the
14 employment history and appropriate information relating to performance of
15 all classified and nonclassified employees under the personnel system. For
16 the purposes of this rule, the state shall be considered one (1) employer.

17 (o) Rules to provide for recruitment programs in cooperation with de-
18 partment heads in keeping with current employment conditions and labor mar-
19 ket trends.

20 (p) Rules to establish procedures for classified position examinations
21 as necessary for the purpose of maintaining current registers from which to
22 fill employment vacancies.

23 (q) Other rules not inconsistent with the foregoing provisions of this
24 section as may be necessary and proper for the administration and enforce-
25 ment of this chapter.

26 (r) Rules relating to leave for state employees from official duties,
27 including, but not limited to, sick leave, military leave, jury duty, leaves
28 of absence without compensation and such other forms of absence from perfor-
29 mance of duties in the course of state employment as may be necessary.

30 (s) A rule providing up to twenty-five percent (25%) shift differential
31 pay based on local market practices.

32 (t) A rule to establish guidelines for awarding employee suggestion
33 awards as set forth in sections 59-1603 and 67-5309D, Idaho Code.

34 (u) A rule to establish the reimbursement of moving expenses for a cur-
35 rent or newly hired state employee.

36 (v) A rule to allow, at the request of the hiring agency, temporary ser-
37 vice time to count toward fulfilling entrance probationary requirements as
38 established in subsection (j) of this section.

39 (w) A rule to allow, at the request of the hiring agency, acting ap-
40 pointment service time to count toward fulfilling promotional probationary
41 requirements as established in subsection (j) of this section.

42 SECTION 2. An emergency existing therefor, which emergency is hereby
43 declared to exist, this act shall be in full force and effect on and after
44 July 1, 2024.