

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 203

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO PUBLIC SCHOOLS; AMENDING SECTION 33-1004H, IDAHO CODE, TO PRO-
2 VIDE FOR REEMPLOYMENT OF CERTAIN RETIRED EMPLOYEES; AMENDING SECTION
3 59-1356, IDAHO CODE, TO PROVIDE THAT CERTAIN REEMPLOYED RETIREES MAY
4 CONTINUE RECEIVING PERSI BENEFITS; AND DECLARING AN EMERGENCY.
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6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 33-1004H, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 33-1004H. EMPLOYING RETIRED TEACHERS AND ADMINISTRATORS. (1)
10 Notwithstanding the provisions of section 33-514, 33-1271 or 33-1273, Idaho
11 Code, school districts may employ school resource officers, certificated
12 schoolteachers, persons qualified to drive school buses, and administrators
13 who are receiving retirement benefits from the public employee retirement
14 system of Idaho, except those who received benefits under the early retire-
15 ment program previously provided by the state in positions requiring such
16 certification, as at-will employees. Any employment contract between the
17 retiree and the school district shall be separate and apart from the collec-
18 tive bargaining agreement of the school district.

19 (2) Retirees employed under this section shall accrue one (1) day
20 per month of sick leave, with no annual sick leave accumulation unless
21 additional sick leave is negotiated between the candidate and the school
22 district at the time of employment. No sick leave accrued under this section
23 qualifies for unused sick leave benefits under section 33-1228, Idaho Code.

24 (3) School districts are not required to provide health insurance or
25 life insurance benefits to persons employed under this section. Post-ter-
26 mination benefits may be negotiated between the school district and the cer-
27 tificated employee at the time of rehiring but in no event can the parties
28 affect or attempt to affect the provisions governing the public employee re-
29 tirement system.

30 SECTION 2. That Section 59-1356, Idaho Code, be, and the same is hereby
31 amended to read as follows:

32 59-1356. REEMPLOYMENT OF RETIRED MEMBERS. (1) If an early retired mem-
33 ber is reemployed with the same employer within ninety (90) days from retir-
34 ing, or the early retired member is guaranteed reemployment with the same em-
35 ployer, the member shall be considered to have continued in the status of an
36 employee and not to have separated from service. Any retirement allowance
37 payments received by the retired member shall be repaid to the system and
38 the retirement shall be negated. The month of last contribution prior to
39 the negated retirement and the month of initial contribution upon return to
40 reemployment shall be considered consecutive months of contributions in the

1 determination of an appropriate salary base period upon subsequent retire-
2 ment. A retired member is not considered to have separated from service if he
3 continues performing services for the same employer in any capacity includ-
4 ing, but not limited to, independent contractor, leased employee, or tempo-
5 rary services.

6 (2) Except as provided in subsection (3) of this section, when a re-
7 tired member meets the definition of an employee as defined in section
8 59-1302(14)(A)(a), Idaho Code, any benefit payable on behalf of such member
9 shall be suspended and any contributions payable by such member under sec-
10 tions 59-1331 through 59-1334, Idaho Code, shall again commence. The sus-
11 pended benefit, as adjusted pursuant to section 59-1355, Idaho Code, shall
12 resume upon subsequent retirement, along with a separate allowance computed
13 with respect to only that salary and service credited during the period of
14 reemployment. Any death benefit that becomes payable under the suspended
15 benefit shall be payable under section 59-1361(2), Idaho Code. Any death
16 benefit that becomes payable with respect to salary and service accrued dur-
17 ing the period of reemployment shall be payable under section 59-1361(3),
18 Idaho Code, if the member dies during the period of reemployment.

19 (3) If a retired member who is receiving a benefit that is not reduced
20 under section 59-1346, Idaho Code, and who has been retired for more than
21 six (6) months, again becomes employed as defined in this section and sec-
22 tion 59-1302(14)(A)(b), Idaho Code, as a result of being elected to a public
23 office other than an office held prior to retirement, the retired member may
24 elect to continue receiving benefits and not accrue additional service, in
25 which event no contributions shall be made by the member or employer during
26 such reemployment and any benefit payable on behalf of such member shall con-
27 tinue.

28 (4) If a retired schoolteacher, person qualified to drive school buses,
29 or administrator who retired on or after age sixty (60) years, or a public
30 safety officer who retired, and is receiving a benefit that is not reduced
31 under section 59-1346, Idaho Code, again becomes an employee as defined in
32 this section and section 59-1302(14), Idaho Code, as a result of returning
33 to employment with a school district as provided in section 33-1004H, Idaho
34 Code, the retired member may elect to continue receiving benefits and not ac-
35 crue additional service, in which event no contributions shall be made by
36 the member during such reemployment and any benefit payable on behalf of such
37 member shall continue. However, the school district shall pay the required
38 employer contribution for that employee to the public employee retirement
39 system.

40 (5) It is the responsibility of each employer to immediately report to
41 the retirement board the employment of any retired member so that benefit
42 payments can be suspended as provided in this section. If an employer fails
43 to properly report the employment of a retired member and it results in the
44 retirement board making benefit payments that should have been suspended,
45 the employer shall, in addition to paying delinquent employee and employer
46 contributions from the date of eligibility, also be responsible for repaying
47 to the retirement board the benefit payments made to the retired member that
48 should have been suspended, plus interest. The employer may then recoup such
49 payments from the retired member.

1 (6) For purposes of this section, "same employer" means the employer
2 for which the retired member last worked prior to retirement.

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