

2014 LEGISLATIVE UPDATE

**ISB Labor & Employment Law Section
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by

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SELECTED BILLS

Courts

- SB 1394 <http://www.legislature.idaho.gov/legislation/2014/S1394.htm>

This bill raises judicial salaries, and increases differences in judicial pay as follows:

<u>Position</u>	<u>Current Pay</u>	<u>New Pay</u>
Magistrates	\$109,300	\$112,000
District Judges	\$114,300	\$124,000
Admin. District Judges	\$115,800	\$126,000
Court of Appeals Judges	\$120,000	\$130,000
Court of Appeals Chief Judge	\$120,000	\$132,000
Supreme Court Justices	\$121,000	\$135,000
Supreme Court Chief Justice	\$121,000	\$137,000

Further increases are scheduled for FY 2017.

- HB 509 <http://www.legislature.idaho.gov/legislation/2014/H0509.htm>

This bill modernizes court technology. A new system, known as Odyssey, will replace ISTARs and otherwise modernize case management through electronic filing, electronic record storage, and video-conferencing. Odyssey will be financed by multiple one-time general fund appropriations and civil filing fee increases of \$70.00 in the Magistrate Division and \$125.00 in District Court. Appearance fees for civil defendants will increase by \$70.00 whether in the Magistrate Division or District Court. A \$20 fee will be added to a few filings for which no technology fee is currently charged.

Health Insurance Exchange

- HB 475 <http://www.legislature.idaho.gov/legislation/2014/H0475.htm>

This bill allows consumers to shop on the Idaho Health Insurance Exchange without providing identifying information, and only permits the collection of such information when the consumer purchases a health insurance policy. The bill also requires the Exchange to warn purchasers that they might have to repay premium subsidies if their income information changes.

Public Employees

- HB 452 <http://www.legislature.idaho.gov/legislation/2014/H0452.htm>

With some restrictions, this bill permits certain state educational agency employees to retain up to 90 days of accrued but unused paid sick leave when transferring to a school district. It also allows any of this remaining unused sick leave to follow such an employee when returning to employment with a state educational agency.

Public School Teachers and Other Employees

- SB 1342 <http://www.legislature.idaho.gov/legislation/2014/S1342.htm>

This bill provides that a District Court, when granting a certificated employee or former employee's motion to augment a record on appeal from a school board's adverse employment decision, "may remand the matter to the board with direction that the board receive additional evidence and conduct additional fact-finding." Such motions may only be granted if "it is shown to the satisfaction of the court that the additional evidence is material, relates to the validity of the board action and that there was good cause for failure to present it in the proceeding before the board."

- HB 501 <http://www.legislature.idaho.gov/legislation/2014/H0501.htm>

This bill amends Idaho Code Section 33-517 to narrow the permissible scope of an employment grievance for non-certificated school district personnel, to modify grievance procedures, and to include charter schools within the scope of the statute.

- HB 568 <http://www.legislature.idaho.gov/legislation/2014/H0568.htm>

This legislation permits a school district or charter school to employ the spouse of a district trustee or charter school director in limited circumstances, and broadens the criteria for issuing a category 1 teacher contract.

Records

- SB 1356 <http://www.legislature.idaho.gov/legislation/2014/S1356.htm>

This legislation, known as the Uniform Electronic Legal Material Act (UELMA), applies to "legal material" which is defined as:

- (a) The constitution of the State of Idaho;
- (b) The general laws of the State of Idaho, also known as the session laws;
- (c) The Idaho Code;
- (d) The Idaho administrative code and the Idaho administrative bulletin;

- (e) Reported decisions of the following state courts: the Idaho supreme court and the court of appeals; [and]
- (f) Idaho court rules.

The Act “applies to all legal material in an electronic record that is designated as official under section 60-304, Idaho Code, and first published electronically on or after July 1, 2015.” The Act also applies to the Idaho administrative code and bulletin for the years 2010, 2011, 2012, 2013 and 2014.

In general terms, if such legal material is only published in an electronic record, the publisher must designate the electronic record as official, and

- (1) authenticate the record by providing the user a method to determine that it is unaltered from the official record;
- (2) provide for the preservation and security of the record in an electronic form or a form that is not electronic; and
- (3) ensure that the material is reasonably available for use by the public on a permanent basis.

Legal material published in an electronic form may also be published in other formats, and the electronic format for such material may be designated as the official record.

Legal material authenticated pursuant to the Act is presumed to be an accurate copy. If another state has adopted a substantially similar law, “legal material in an electronic record that is designated as official and authenticated by the official publisher in that state is presumed to be an accurate copy of the legal material.”

State Agency Rules and Regulations

- HJR 2 <https://legislature.idaho.gov/legislation/2014/HJR002.htm>

This Joint Resolution proposes an amendment to Section III of the Constitution of the State of Idaho explicitly empowering the Legislature to (i) delegate rulemaking authority to executive agencies, and (ii) approve or reject administrative rules issued by those agencies. This measure will be on the General Election ballot this November. If approved by a majority of the voters, it will be in full force and effect.

Veteran’s Preference

- SB 1204 <http://www.legislature.idaho.gov/legislation/2014/S1204.htm>

In the hiring of state employees, applicants are given an exam point score. Veterans can receive an additional 5% or 10% depending on specified legal criteria. The law’s use of the term "percentage" lowers the outcome if the total possible exam score is less than 100

points. This bill changes the veteran's preference calculation from one of percentages to an additional 5 or 10 points, thereby increasing the preference if the total possible exam score is less than 100 points.

- SB 1333 <http://www.legislature.idaho.gov/legislation/2014/S1333.htm>

This bill clarifies that no state construction contract involving the use of federal funds shall conflict with federally required labor preferences for honorably discharged "members of the United States armed forces, including airmen, soldiers, sailors and marines." The present statute only makes reference to honorably discharged "soldiers, sailors and marines."

Worker's Compensation

- SB 1252 <http://www.legislature.idaho.gov/legislation/2014/S1252.htm>

This bill allows federal contractors which self-insure their worker's compensation liabilities to use their "cost reimbursement" contracts with the federal government as the security required of them by Idaho's worker's compensation law.

- SB 1359 <http://www.legislature.idaho.gov/legislation/2014/S1359.htm>

The owner of a sole proprietorship and his family members working in his business are exempt from worker's compensation under Idaho Code Section 72-212. This legislation clarifies that a single member limited liability company that is being taxed as a sole proprietorship is also treated as a sole proprietorship for purposes of this worker's compensation exemption.