

DHR SUMMER FORUM

Thursday, July 14, 2016

Commences 9:00 a.m.

Lincoln Auditorium

State Capitol

9:00-9:05

Susan Buxton
DHR Administrator

Introduction & Welcome

9:05-9:45

Updates

Sharon Duncan
Business Project Manager

HR Systems Updates

Michelle Peugh
SR HR Specialist

FMLA

Shelli Boggie
SR HR Specialist

HR Crosswalk

Jody Zauha
Health Matters Program Manager

CPM/Wellness

9:45-10:00

Break

10:00-11:00

HOT

TOPICS

Joe Webber
SR HR Specialist

ATS Exams

Kim Toryanski
Deputy Administrator, DHR

Probationary Periods (Rules 150-153)

Susan Buxton
DHR Administrator

FLSA

11:00-11:30

Susan Buxton
DHR Administrator

Questions/Comments

Watch it LIVE at: <http://idahoptv.org/INSESSION/>



MEET YOUR DHR TEAM...

Susan E. Buxton is the Administrator of the Idaho Division of Human Resources (DHR). She was appointed to this position in February 2016, by Governor C.L. “Butch” Otter. Prior to joining DHR, Susan served as Corporate President, Shareholder and founding member of the law firm of Moore Smith Buxton & Turcke. She has 27 years of legal experience emphasizing the areas of local government, employment, natural resources, environment, water, administrative law and litigation and has served as a clerk in the United States District Court, District of Oregon and also in the Idaho Court of Appeals. Susan is a certified advanced mediator registered with both the Idaho Supreme Court and the U.S. District Court of Idaho. She received her law degree from the University of Idaho in 1989 and her Bachelors of Arts degree in Philosophy from Whitman College in 1985.

Kim W. Toryanski is Deputy Administrator of the DHR, a position she has held since April, 2011. Prior to joining DHR, Kim served as Administrator of the Idaho Commission on Aging since 2007. She is an attorney with 28 years of experience litigating complex cases in state and federal courts in Idaho, and around the country. Kim has worked as a trial attorney for the United States Department of Justice and has handled a multitude of cases with constitutional law implications. She has also worked as Staff Counsel to the United States Senate Permanent Subcommittee on Investigations. Kim obtained her law degree from the University of Florida, College of Law in 1985, and her Bachelors of Arts in Journalism and Business Administration from the University of Central Florida in 1982.

Sharon Duncan is the Business Project Manager of DHR, responsible for managing DHR projects and process improvement for the Division. She has been an Idaho State employee for 22 years. Prior to joining DHR in 2011, she was the Acting Administrator for the Idaho Commission on Aging, and served the Department of Health and Welfare, Division of Medicaid as the Bureau Chief for Long Term Care. She is a Certified Project Manager-BSU and a graduate of the State’s Certified Public Manager program.

Heather Reynolds is the Management Assistant for DHR, and the newest member of our team. She joins us as a U.S. Air Force retiree, with an extensive management background, and experience in classroom training. Heather has a Bachelor’s degree in Management, Human Resources from Park University, MO.

Ashleigh Jensen is the Training Specialist for DHR, and has been with the agency for one year. She is a former teacher with ten years of experience in education, holding a Bachelor’s of Arts degree in Elementary Education along with a Master’s degree in Educational Technology and a Graduate Certification for Online Teaching, all from Boise State University. Ashleigh has a passion for helping others learn and grow and is excited for what the DHR training environment has planned for the future.

Joe Webber is a HR Consultant and has been with the Division of Human Resources for ten years. He came to the state from Albertson’s corporate office where he worked as a Benefits Specialist. Joe received his Bachelor of Business Administration (Management, Human Resource Management option) from Boise State University



MEET YOUR DHR TEAM...

Michelle Peugh is a HR Consultant and has been with the Division of Human Resources for 3.5 years. Michelle has a Bachelor's degree in HR Management from Boise State and has worked in Human Resources for over 10 years. She worked as an HR Generalist at Saint Alphonsus for 5 years before moving on to SL Start, an agency who provides residential habilitation to individuals with disabilities. She thoroughly enjoys working in the public sector and spends her time outside of work raising her 4-year old twins.

Shelli Boggie is a HR Consultant and has been with the Division of Human Resources for 2 years. Prior to joining DHR, she worked as a Pre-sentence Investigator and Sr. HR Specialist in Adult and Juvenile Corrections for approximately 20 years and also worked as an Employee Relations Specialist at Micron Technology. Shelli has a Bachelor's Degree in Management and Organizational Theory from George Fox University and recently completed the Certified Public Manager Program. She holds SPHR and SHRM-SCP human resource certifications.

Cari Markham has been with the Division of Human Resources for 1 year as an HR Specialist, Sr. Cari has 13 years of experience in HR and has both her PHR and SHRM-CP Certification. Cari has a BBA in Management with HR Emphasis from Boise State University and a Master of Science in HR from Utah State University.

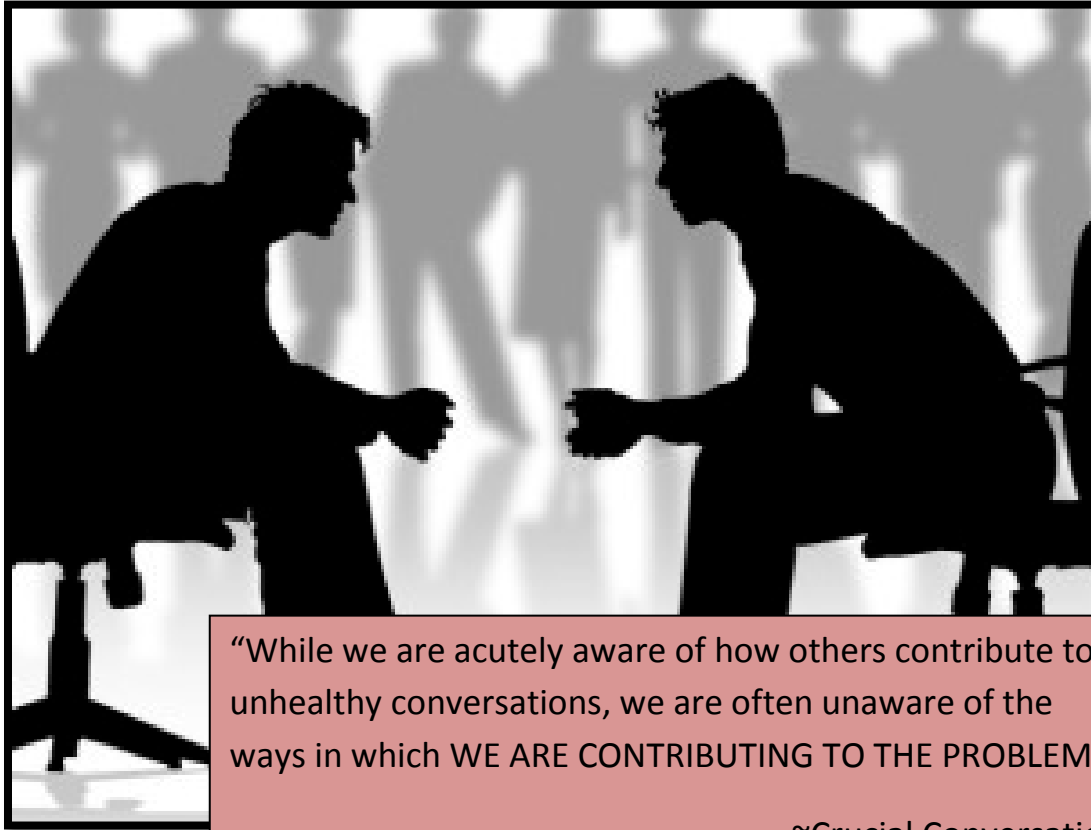
Chris Eismann has been an HR Associate with the Division of Human Resources for 22 years. He provides technical support to agencies and the general public on DHR systems and operations.

Amanda Howes is the Program Manager for the Idaho Certified Public Manager® Program (CPM). The CPM Program is nationally accredited and is Idaho's preferred management and leadership development program for public employees. She has been a trainer for the Idaho State Controller's Office and worked in human resources for Saint Alphonsus Regional Medical Center. Amanda has a bachelor's degree in Journalism and Mass Communication from the University of Idaho, and a master's degree in Public Policy and Administration from Boise State University.

Jody Zauha is the Health Matters Wellness Program Manager. She keeps worksite wellness visible, relevant, and accessible to over 20,000 state employees through the [Health Matters](#) website, e-newsletters, the [ChooseHealthMatters.com](#) blog, and the Idaho Health Matters Facebook page. Jody's broad background includes 16 years' experience in HR and Training with Idaho State Government and over 11 years' experience working in an Idaho acute care hospital managing the human resource, social service, and public relations functions. She holds a Master's Degree in Instructional and Performance Technology and a Bachelor's Degree in Social Work, with a medical emphasis from Boise State University. Jody is also a Certified Wellcoach, and a Faculty Member of The Wellness Council of America (WELCOA). Her passion is workplace wellness and she believes strongly in the positive impact wellness initiatives can have on organizational success and on employee effectiveness.

Kylie Falk is the Administrative Assistant for the CPM and Health Matters programs. She has a Bachelor's Degree in Social Science, emphasizing in Psychology and Sociology from Boise State University and has also graduated from a year long program with AmeriCorps National Civilian Community Corps. Kylie is passionate about the community, good food and hitting her 10,000 steps a day!

Crucial Conversations



“While we are acutely aware of how others contribute to unhealthy conversations, we are often unaware of the ways in which WE ARE CONTRIBUTING TO THE PROBLEM.”

~Crucial Conversations

DHR is proud to announce a new training opportunity available through our training department. We are now offering Crucial Conversations®; a two day training designed to help anyone (employee, supervisor, administrator, etc.) master the skills needed to hold a successful, crucial conversation. Participants will learn how to:

- Speak persuasively, not abrasively
- Foster teamwork, and better decision making
- Build acceptance, rather than resistance
- Resolve individual and group disagreements

The cost for each participant is \$217.00 (\$224.51 with Access Idaho service fee) and pays for the complete Vital Smarts participant manual and bestseller companion book. When compared to the cost of training directly through Vital Smarts, **it's a savings of around \$1,200!**

Go to <http://dhr.idaho.gov/Training/CrucialConversations.html> and register today.

Classes starting
this summer!

August
8th-9th

September
1st-2nd

November
2nd-3rd

December
5th-6th

January
23rd-24th

February
6th-7th

March
1st- 2nd

April
27th- 28th

June
5th-6th

STATE OF IDAHO – IT CLASSIFICATION PROJECT Q/A FACT SHEET

Q. What is the IT Classification Project?

A. The IT Classification Project is an effort to modernize the current 44 IT classifications. DHR has contracted with the HayGroup to conduct a comprehensive review of these classifications and make recommendations for change based on functional IT areas. Salary review is not a component of this project.

Q. Who is involved with the project?

A. DHR has selected representatives from the IT Leadership Council (ITLC) a subcommittee of the Idaho Technology Authority to participate as subject matter experts: The IT leadership and their respective HR leadership at the Department of Health and Welfare, Idaho Tax Commission, Department of Labor, Department of Fish and Game, and the Idaho Department of Transportation.

Q. What has been completed to date?

A. The HayGroup has reviewed Position Description Questionnaires (PDQs), organizational charts, and other documentation provided by the participating agencies. HayGroup, DHR representatives, IT Leadership and Agency HR leadership participated in a one day on site working session to review the recommended IT matrix provides six job families and 13 IT Classifications. The matrix includes the lateral move from the previous classification to the new classification. The new matrix should provide departments with greater flexibility in recruiting their IT Workforce.

Q. What will happen next?

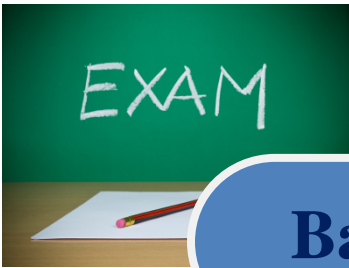
A. DHR, in conjunction with the HayGroup, will facilitate finalizing the IT classification minimum qualifications, minimum qualification specialties, exam development, and scoring criteria. The same group of IT SMEs and HR Leadership will participate. DHR anticipates this process will be completed by mid-September.

Q. When will the employees transition into their new classifications?

A. Once the classification requirements are complete, DHR will work with the agencies on IT employees' lateral transitions into their new classifications. Salaries should not be impacted.

Q. Who should we contact if we have more questions?

A. Agency HR staff should contact their DHR consultant.



Basic Principles of Exam Development

Minimum Qualifications

- Usually understood to reflect the minimum level of competence needed to perform the job satisfactorily.
- They are written primarily in terms of what is required of new employees at the time of appointment.
- Only those knowledges and abilities which will not be taught on the job and which cannot be learned in a brief orientation are considered minimum qualifications.
- They do not specify the desirable qualifications of a thoroughly experienced employee in the class.

Types of Knowledge

- Some Knowledge
- Good Knowledge
- Considerable Knowledge

Some Knowledge

The amount of knowledge one might expect of an apprentice or beginner in a particular field of work.

Good Knowledge

The knowledge expected of an applicant who is capable of carrying out an assignment in a normal range of standard work situations after being briefed as to the purpose of the project
(journey level).

Considerable Knowledge

Broad and subject matter knowledge in the occupational field. Applicant should possess a great store of information concerning applicable theories, principles, techniques, equipment, and processes.

DHR exam workshop fall 2016


Sessions for both delegated and non-delegated agencies.

Probationary Periods

Ever feel *tripped up* by the Rules on Probationary Periods?

They can be tricky...

Let's go through a sample scenario to work through some common Probationary Rule questions.



1

Meet "Halli Hypothetical"

- * Halli works at State Agency A
- * She has worked there for 10 years as an Office Specialist 2, earning \$14.00/hour (pay grade G)
- * Halli recently applied for a Management Assistant position at Agency B and is on the hiring list!



2


Halli...

- * Halli gets an interview and a job offer!
- * She starts her new job next Monday, July 18, making \$15.41/hour (pay grade J).
- * Congrats, Halli!



3

Questions



- * Will Halli be on probation?
- * If so, what type and for how long?
- * What DHR Rule(s) apply?

4


Answers...

Will Halli be on probation?
YES, DHR Rule 150.01


What type and for how long?
PROMOTIONAL for 1,040 hours, DHR Rule 150.02. b.

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Halli on Probation



- * Halli is learning her new job, but there are some skills she is struggling with:
 - * Excel spreadsheets
 - * Managing deadlines – she has missed a few key ones
 - * Providing summary information in team meetings about her projects. She seems unorganized and has provided some inaccurate details at the last 2 monthly meetings.
- * She is 4 months (640 hours) into her promotional probationary period.



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Halli on Probation


- * Halli has been working with her supervisor on these issues, but is not meeting performance expectations.
- * She is scheduled for Excel refresher training and her supervisor is having weekly meetings with her about project deadlines and details.
- * **What else could/should the supervisor consider?**

7

Extension of Probation

- * **Rule 150.03** provides for an extension of the probationary period.
- * This decision/action has to be discussed with the employee and effective in IPOPS **prior** to the employee completing the 1,040 hours.

8



Halli on Probation

- * The supervisor did work with HR on extending Halli's probation and outlined a performance improvement plan for Halli.
- * Halli completed her Excel training about 3 months ago but has still been unable to manage the spreadsheets required for her work.
- * She has missed several more deadlines and her summary information to her team is not meeting expectations
- * She is now 4 ½ months (720 hours) into her promotional probationary period extension.

9

Questions

- * What happens to Halli if the supervisor decides she will not successfully complete her promotional probation?
- * What DHR Rules apply?

10

Answers



Because she is an INTER-AGENCY transfer, she can demote to a vacant OS2 position in the agency.

DHR Rule 153.03.a **Office Specialist 2**

If there is no vacant position, Halli will be laid off and can request her name be placed on a register for the _____ job class.

DHR Rule 153.03.b

Halli had maintained permanent status as an OS2 per DHR Rule 159.01

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Halli Hypothetical

- * Halli's supervisor met with her to inform her she was not successfully completing her probation.
- * Halli did go on the layoff list for Office Specialist 2 and was offered an interview and then a position at Agency Z.
- * She loved the mission of Agency Z and has fit nicely into her new position there as an OS2.
- * She was re-instated with permanent status.



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Probationary Periods

As we mentioned, there are always case-by-case issues when dealing with employee hires, transfers and promotions.

Please work with your DHR Consultant on what Rules may or may not apply in certain circumstances.

- Joe Webber
- Michelle Peugh
- Shelli Boggie



DHR Statute/Rule Crosswalk by Topic					Updated 7/12/16
Area	Main Topic	Sub-Topic	Idaho Statute	DHR Rule	Related Information (Laws, Executive Orders, Guidance, Etc.)
DHR/State Personnel System		CLASSIFIED	Title 67 State Gov and State Affairs, Chapter 53 Personnel System	Chapter 01 IDAPA 15: 15.04.01 - RULES OF THE DIVISION OF HUMAN RESOURCES AND IDAHO PERSONNEL COMMISSION	
		NON-CLASSIFIED	Title 59 Public Officers in General, Chapter 16 Non-classified State Officers and Employees		
	Idaho Division of Human Resources (DHR)	Establishment of DHR	67-5301		
		Appointment and authority of DHR Administrator	67-5308	Rule 000	
idhr@dhr.idaho.gov		DHR and IPC Address, phone number, e-mail address		Rule 004	
		Funding DHR	67-5314		
		Service to Other Political Subdivisions	67-5310		
		DHR Annual Surveys, Reports, and Recommendations	67-5309C		
	Merit System		67-5301	Rule 019	Pendleton Civil Service Reform Act (1883)
			67-5304		
		Applicability of Federal Merit System	67-5306		
	Discrimination Prohibited	Referrals from Federal Agencies will be investigated promptly		Rule 021; 203	Laws Enforced by the EEOC
	State departments and organizational structure		67-2402		
	Classified employees	All positions are classified except if specifically defined as non-classified in Statute	67-5303		
		Classified service is without a definite term except where specified by law, or under conditions of limited-service appointment		Rule 159.02	
		DHR maintains service record of personnel transactions pertinent to employee's employment history		Rule 220.01.a	
		Non-classified subject to classified subsequent to (after) 4/5/85		Rule 40	
		Employees hired prior to Enactment of Personnel System	67-5305		
	Peace Officers		19-5101		

Area	Main Topic	Sub-Topic	Idaho Statute	DHR Rule	Related Information (Laws, Executive Orders, Guidance, Etc.)
	Executive		67-5302(12)		
	Non-classified employees	List of Non-classified positions*	67-5328		
		Designated Non-classified (NRD)	67-5303		
		Conformity with Classified Positions regarding Pay	67-5303 (d)		
		Conformity with Classified Positions regarding Hours of Work and Overtime	59-1603		
	Policy making Authority/Guidance			Rule 272	
	Rulemaking			Rule 270	
	Declaratory Rulings			Rule 271	
	DHR Rules	Title, Scope, and Compliance	67-5309	Rules 000; 001	Idaho Administrative Procedures Act
		Format for Citation of Rules		Rule 003; 001.01	
		Rules apply to Public Health Districts		Rule 008	
		Definitions Used in Rules	67-5302	Rule 010 Definitions A – E	
				Rule 011 Definitions F – J	
				Rule 012 Definitions K – O	
				Rule 013 Definitions P - Z	
		DHR Administrator can adopt, amend, or rescind (waive) Rules as may be necessary	67-5309	Rule 006	
		Written Interpretations	67-5201(19)(b)(iv)	Rule 002	
		Petitions for or comments on proposed rules filed with Administrator or designee		Rule 005	
		Willful violation is a misdemeanor	67-5312		
	Idaho Personnel Commission (IPC)	Organization/Appointment	67-5307	Rule 007	
		Administrative support from IDHR		Rule 009	
		Appeal Procedure	67-5316	Rule 201	
		Filing of documents with hearing officer		Rule 005	
		Written petition for review within 35 days of hearing officer decision	67-5317	Rule 005; Rule 202	
		DHR maintains permanent records of IPC/hearings		Rule 220.02	
		Appeal to District Court	67-5318		
*Please note: There may be agency-specific Statutes which identify other positions as non-classified					
Recruitment	DHR cooperation with agency and Dept. of Labor in coordinated recruiting program			Rule 080	
	Methods of Recruitment: Open Competitive, Dept. Promotional, and Statewide Promotional Announcements			Rule 082; Rule 109	
		Distribution of Announcements		Rule 084.01	Announcements
		Posting of Promotional Announcements		Rule 084.02	ATS Manual

Area	Main Topic	Sub-Topic	Idaho Statute	DHR Rule	Related Information (Laws, Executive Orders, Guidance, Etc.)
		Content of Announcements		Rule 085	
		Limited Service positions must be identified in advance of announcement		Rule 120.01	
		Underfill		Rule 13.12	
	Exams	Purpose of Exams		Rules 081; 090	
		Exam questions must be based on valid job requirements		Rule 022; Rule 091	
		Location of Exams		Rule 089	
		Exam Upon Reclass		Rule 093.07	
		Alternative Exam Process for Persons with Disabilities	67-5309 (e)	Rule 097	
	Preparation of Exams	Content		Rule 092.01	Exams in ATS
		Job Analysis and Confidentiality		Rule 092.02	
		Collaboration with agencies and SMEs		Rule 092.03	
	MQs and Specialties	BFOQ		Rule 023	
	Applications	Application Form		Rule 086.01	Application forms
		Application questions must be based on valid job requirements		Rule 022	
		Filing of Applications		Rule 086.02	
		Application by Military Personnel after closing date	67-5309 (f)	Rules 086.03; 086.04	
		Entry probationary applicants can apply but must have permanent status to be hired from promotional announcements		Rule 086.05	
		DHR Denial of Applications		Rule 087	
		Application is considered authorization to disclose confidential information to state agencies for the purpose of screening, testing, interviewing and hiring		Rule 086.06	
	Rating of Exams	Conducting and rating exams		Rule 093.01	
		Scoring		Rule 093.02	
		Failing Scores		Rule 093.04	
		Use of Alternate Announcement		Rule 093.05	
		Elimination tests		Rule 094	
		Waiver of Exam if 10 or fewer applications (Rule 936) Must interview all		Rule 093.06	
	Notice of Exam Results			Rule 095	
	Review and Appeal	Review		Rule 096.01	
		Appeal within 35 calendar days of notice		Rule 096.02	
Registers/Hiring Lists	Eligibility Registers	Established by DHR		Rule 100	Hiring List Guidance for Managers and Supervisors
	Adequate Registers	At least 5 eligible candidates		Rule 111	
	Number of names on Register	Hiring from the top 25		Rule 110	
	Duration of Eligibility Registers	Re-employment Preference (layoff)		Rule 103.01	
		Other registers		Rule 103.02	

Area	Main Topic	Sub-Topic	Idaho Statute	DHR Rule	Related Information (Laws, Executive Orders, Guidance, Etc.)
	Veterans Preference Points	Definitions	65-502 (4) and (17)		
		For initial appointment	Title 65, Chapter 5 67-5313	Rule 020.01; Rule 093.03 a. and b.; Rule 102.02; 102.03 and 102.04	
		Points may not be used to achieve a passing score		Rule 093.03.b.	
	Types: Re-employment Preference; Agency Promotional; Statewide Promotional and Open Competitive			Rule 101; 109	
		Placement order		Rule 102	
		MQ Specialties (Selective Certification)		Rule 112	
	Removal of Names from Register	Reasons		Rule 104.01	
		Duration of removal		Rule 104.02	
		Temporary (15 days or less) unavailability not reason for removal		Rule 105	
	Restoration of name to Register			Rule 106	
Interview	Interviewing				Conducting a Lawful Employment Interview
Reference Checking	Disclosure of Applicant Information for Hiring Purposes			Rule 086.06	Reference Checks
	Examine state evals/personnel file			Rule 220.04	
Hiring		Proper classification and spending authority to fill	67-3519		
	Layoff from your agency	Has appointment preference		Rules 119.01; 124.02; 125.06; 145.01.a. and b.; 169.01.c;	
		At time of reappointment from layoff, salary in current pay grade for class or at same pay rate immediately preceding layoff, whichever is greater; permanent status		Rule 072.05; 145.01.c.	
	Layoff from another agency	Must be offered interview		Rule 145.02	
		Pay is negotiable; can be on a voluntary probation		Rule 145.03; Rule 145.04	
		If employee finds another agency's position unsatisfactory or does not complete a voluntary probation, may be placed back on register for remainder of 12 month period.		Rule 145.04	
	Limited Service	Due to limited duration of funding, nature of position or project		Rule 120.01	
		Written agreement with employee no later than start date; renew every 2 years		Rule 120.03	Limited Service Agreement form

Area	Main Topic	Sub-Topic	Idaho Statute	DHR Rule	Related Information (Laws, Executive Orders, Guidance, Etc.)
		Permanent status after completion of probation. Same rights other permanent employees, except layoff		Rule 120.02	
	Seasonal	Intermittent work No layoff rights	67-5302(31)	Rule 121 Rule 121.02	Typically a season is: Spring, Summer, Winter, Fall, Holiday, Harvest
	Temporary (non-classified)	Limited to 1,385 hours of work in 12 month period for any one agency.	67-5302 (33)	Rule 122	
		Salary	59-1603	Rule 073.07	
	Acting Appointment while incumbent on leave or agency is recruiting to fill vacancy	Appointing Authority may appoint employee with permanent status to a position in a higher pay grade when incumbent is on leave; no agency register exists		Rule 129.01	
		Must meet MQs of the higher job class and agency must notify DHR		Rule 129.02 and 03	
		Effective date may be retroactive to the beginning of the pay period during which approval is granted		Rule 129.04	
		Limited to time necessary to fill vacancy but no longer than 1,040 hours; expiration		Rule 130; Rule 132	
		Salary		Rule 131	
	Provisional	With DHR approval in absence of adequate register	67-5309(k)	Rules 111.02; 119.03	
	Project-exempt Appointment (non-classified)	Limited to length of project grant or 24 months (4160 hours), which ever is shorter	67-5303(m)	Rule 123	
		Salary	59-1603	Rule 073.07	
	Reinstatements	Per DHR, current or former employee to a classification in which he held permanent status (or successor job class, if deleted) or to another class in same or lower pay grade.		Rule 124	
		Limited to period equal to probation and permanent employment combined, resigned without prejudice, and meets MQs		Rule 124.01.a - c.	
		DHR may require completion of exam		Rule 124.03	
		Salary is negotiable within the pay grade		Rule 072.07	
	Transfers (Intra-Agency)	Appointing Authority may transfer an employee any time from one position to another in same job class		Rule 125.01	
		Appointing authority may transfer permanent status employee from one job classification to another job class in same pay grade; must meet MQs		Rule 125.02; 125.07	
	Involuntary transfers	A significant change in work location, shift, or org. unit require due process		Rule 125.08	
	Transfers (Inter-Agency)	Permanent status employee eligible to transfer to another agency in same job class or another class in the same or lower pay grade, must meet MQs.		Rule 125.05; 125.07	

Area	Main Topic	Sub-Topic	Idaho Statute	DHR Rule	Related Information (Laws, Executive Orders, Guidance, Etc.)
		Between agencies in the same pay grade does not require change in rate but a lower or higher rate may be negotiated		Rule 072.06.a.	
	Voluntary Demotions			Rule 179; 181	
		Salary is negotiable within the lower pay grade (unless from a layoff)		Rule 072.06.b.	
	Promotions	Preference to fill promotional whenever practical; however, appointing authority may request position be filled from statewide promo or open competitive register if in the best interest of the agency	67-5309(g)	Rule 169.01.a and b.	
		Interagency promotions must be made from statewide promotional registers		Rule 169.02	
		Applicant must have permanent status and meet MQs to be promoted		Rule 169.03	
		Promotion of Entrance Probationary Employee		Rule 086.05	
		In-grade promotion		Rule 169.04	Guidance
	Independent Contractors/Consultants			Rule 050	U.S. Department of Labor
	Unpaid vs. paid Interns				U.S. Department of Labor
	Volunteers	Public sector employees cannot volunteer, without compensation, to do the same work for which they are employed			U.S. Department of Labor
Moving Expenses	Reimbursement	current or newly hired	67-5337	Rule 083	State Board of Examiners' State Moving Policy and Procedure
Probationary Periods	Requirement	Probationary period required for classified positions	67-5309(j)	Rule 150.01; 119.02; Rule 040	
		Duration is 1,040 hours except for peace officers	67-5309(j)	Rule 150.02.a and b	
		Peace officers must serve 2,080 hours of probation	19-5101(d)	Rule 150.02.a and b	
	Voluntary Probation	Voluntary probation for interagency reinstatement, transfer, or voluntary demotion (not for use within an agency). Negotiable up to 1,040 hours and 2,080 for peace officers		Rule 150.02.c; 125.03	
	Interruption	Probation must be completed within a single agency uninterrupted by termination or dismissal.		Rule 150.04	
	Temp and Acting Time Can Count	Temp time and Acting time can count toward entry probation with DHR Administrator approval	67-5309(j), (x) and (y)	Rule 150.05 and 06	
	Extension of probation	Upon written request showing good cause, DHR may approve extension of probationary period not to exceed 1,040 hours. Must be approved prior to employee's completion of the required hours	67-5309(j)	Rule 150.03	
	Satisfactory service	Supervisor has 30 calendar days to submit completed eval after employee completes probation hours		Rule 151	

Area	Main Topic	Sub-Topic	Idaho Statute	DHR Rule	Related Information (Laws, Executive Orders, Guidance, Etc.)
		If agency fails to provide evaluation and/or the probation is not extended, employee is considered to have successfully passed probation		Rule 154	
		Permanent status is effective upon completing 1,040 hours (or 2,080 if peace officer).		Rule 151	
	Separation - fail to complete entry/voluntary probation	15 days calendar notice with opportunity to resign (no right to problem solve or appeal)		Rule 152.02	
		Must provide DNA eval no later than 30 calendar days		Rule 152.01	
	Promotional probation	Maintains permanent status in the job class from which promoted until completed promo probation.		Rule 159.01	
		Regardless of promotional probation status, a Rule 190 disciplinary action may occur		Rule 153.01	
	Intra-agency fail to complete promotional probation	(Give 15 days' calendar notice) Employee shall be returned to a position in job class in which holds permanent status or another class in same paygrade if meets MQs. If employee refuses, it will be a voluntary resignation		Rule 153.02	
	Inter-agency fail to complete promotional probation	(Give 15 days calendar notice) Employee may voluntarily demote to a vacant position in job class held permanent status. Must meet current MQs. Employee should be placed in higher paid position if more than one option. If no vacant position is available, employee is laid off with re-employment preference rights for 1 year.		Rule 153.03	
Hiring from layoff register	Layoff from your agency	Has appointment preference		Rules 119.01; 124.02; 125.06; 145.01.a. and b.; 169.01.c;	
		At time of reappointment from layoff, salary in current pay grade for class or at same pay rate immediately preceding layoff, whichever is greater; permanent status		Rule 072.05; 145.01.c.	
	Layoff from another agency	Must be offered interview		Rule 145.02	
		Pay is negotiable; can be on a voluntary probation		Rule 145.03; Rule 145.04	
		If employee finds another agency's position unsatisfactory or does not complete a voluntary probation, may be placed back on register for remainder of 12 month period.		Rule 145.04	
Compensation	State Employee Compensation Philosophy		67-5309A		State Budget: Title 67, Chapter 35
		DHR Annual Surveys, Reports, and Recommendations	67-5309C		
	Idaho Compensation Plan (Compensation Schedule)	Significant changes to components require public meeting	67-5309B	Rule 070.05	
		Each agency must develop a compensation plan		Rule 073.06	

Area	Main Topic	Sub-Topic	Idaho Statute	DHR Rule	Related Information (Laws, Executive Orders, Guidance, Etc.)
	Bonus/Other Pay Delivery Options		67-5309D	Rule 075	
	Merit increase matrix approved by DHR			Rule 071	
	Compensation	Assignment to a pay grade	67-5309B	Rule 070.01	
		DHR will conduct/approve salary surveys and have rule describing relevant labor markets and benchmark job classes	67-5309	Rules 070.03; 070.04	
		Payline exceptions	67-5309D (5)	Rule 072.03	
		Must be paid within assigned pay grade		Rule 072.01	
		Starting pay anywhere within assigned paygrade considering budget, market and existing staff		Rule 072.02	
	Calculation of Pay	Other than police, COs, or fire, pay calculated in this order: holiday, holiday worked, hours over 40, leaves, remaining hours worked		Rule 073.01	
	Calculation of Pay (Police, CO, Fire)	Overtime calculated based on 160 hours in a 28-day period		Rule 073.03	
	Equity increases	With DHR approval based on market demand, compression... performance must be consideration.	67-5309B	Rule 072.04	Guidance
	Return from Military Duty		65-508	Rule 072.09; Rule 124.05	USERRA
	Shift differential		67-5328	Rule 073.02	
	Loan repayment	For eligible physicians, psychologists, and mid-level practitioners at state hospital north and south	67-5339		
	Accruing Credited State Service (CSS)	Classified	67-5332		
		Non-classified	59-1604		
Leaves	Sick		67-5333	Rule 240	
		If sick leave is exhausted, will default to comp time, vacation before LWOP		Rule 250.02	
		Sick leave abuse		Rule 240.07	
		Transferred --Community Colleges	67-5333A		
		Transferred -- Former Employees of Seland College	67-5333B		
		Non-classified	59-1605		
	Donated Leave		67-5334 2(g)	Rule 240.06	
	FMLA			Rule 242	Family Medical Leave Act
	Maternity and Paternity Leave			Rule 243	
	Vacation	Classified	67-5334	Rule 230	
		Non-classified	59-1606		
	Special leaves	Leave without Pay		Rule 250.01	
		Felony charges (LWOP)		Rule 190.04	
		Military Leave with Pay	46-216	Rule 250.03	
		Military Leave without Pay		Rule 250.04; Rule 124.05	USERRA
		Admin Leave WITH Pay (ADT)		Rule 250.05; 251; 190.02	

Area	Main Topic	Sub-Topic	Idaho Statute	DHR Rule	Related Information (Laws, Executive Orders, Guidance, Etc.)
		Court and Jury Service		Rule 250.06 a - c, e	
		Problem-solving or due process mediator or witness		Rule 250.06 d	
		Religious Leave		Rule 250.07	EEOC
		Facility Closure or Inaccessibility		Rule 250.08	
		Red Cross Disaster	67-5338	Rule 250.09	
		EAP		Rule 250.10	
		Bone Marrow/Organ Donation	67-5343	Rule 250.11	
			59-1608		
	Holidays	Pay calculation		Rule 073.04	
		Appointing authorities may suspend flex schedules during holiday weeks		Rule 073.04.f.	
		Employee must receive some paid leave, wage or salary for the pay period in which the holiday occurs to receive the holiday benefit. Employee on unpaid FMLA during holiday week, no hours are coded for holiday.		Rule 073.04.b. and d.	
Hours Worked				Rule 261	
		With the exception of holiday leave, no leave may be used if it results in pay in excess of the employee's regularly scheduled work week.		Rule 260.01	
Overtime		Classified	67-5328	Rule 262	Fair Labor Standards Act
		Non-classified	59-1607		
Breaks		Nursing Mothers			FLSA
Medical layoff		Disabled and unable to fully return to work after 12 weeks during year or when accrued sick leave has been exhausted, whichever is longer.		Rule 241.02	
Workers' Comp		Incidents, accidents, exposures		Rule 241	
		Leave in lieu of Workers' Comp prohibited	67-5340		
PERSI			Title 59, Chapter 13		PERSI
Employee Benefits					Employee Portal
Employee Relations					
	Evaluations			Rule 210	
		Use of I-Perform or another system approved in advance by DHR Administrator		Rule 210.01 - 02	
		Overall rating must be entered in the DHR Perf. Evaluation summary		Rule 210.01	
		Evaluation - no changes once signed unless a result of a problem solving dispute resolution		Rule 141.01.b	
	Employee Conduct			Rule 024	Attorney General's Ethics in Government Manual
		Conflict of Interest		Rule 024	Agency shall establish policies and standards necessary to prevent conflicts of interest

Area	Main Topic	Sub-Topic	Idaho Statute	DHR Rule	Related Information (Laws, Executive Orders, Guidance, Etc.)
		Nepotism: no employee shall work under the immediate supervision of a supervisor who is a spouse, child, parent, bother, sister or same relation by marriage		Rule 025	
		Dual employment (working at more than 1 state agency): No conflicting hours of work and approval necessary by all appointing authorities before beginning work		Rule 026	
		Limitation of Political Activity	67-5311		
		Discrimination Prohibited		Rule 021	Laws Enforced by the EEOC
Problem-Solving		For all matters not reserved for due process procedure. Not appealable to IPC except as authorized in 67-5316. Cannot problem solve failure to complete entry or voluntary probation and compensation (except alleged inequities within a department).	67-5315	Rule 200.01.b.; Rule 200.03; Rule 200.04 Rule 200.05	
		Agency must maintain written problem-solving procedures approved by the DHR Administrator and in compliance with Rule 200. A copy of the procedure must be furnished and explained to each employee.		Rule 200.02; Rule 200.04; Rule 200.07	
		May use mediation		Rule 200.04	
		Retaliation for filing prohibited		Rule 200.04	
Allegation of misconduct under Rule 190		Cause for disciplinary action (dismissal, suspension, demotion, or reduction in pay)		Rule 190	
		Regardless of promotional probation status, a Rule 190 disciplinary action may occur		Rule 153.01	
		ADT: Administrative leave with pay for investigation (or during due process); Must notify DHR Administrator; See approval for more than 30 calendar days of ADT from DHR Administrator		Rule 190.02; Rule 190.05	
		LWOP: Leave without pay on Complaint, Information or Indictment for felony charge ; full reinstatement of pay/benefits if found not guilty. Withheld judgment considered conviction		Rule 190.04	
Due Process		Dismissals, suspensions without pay, demotions and all involuntary transfers	67-5315	Rule 200.01; Rule 125.08; 182	Definition of Involuntary Transfer: Rule 11.07 "A significant change in work location, shift and/or organizational unit made as a result of a management decision as opposed to an employee's request or agreement to transfer.
		Due process does not apply to failure to complete entry or promotional probation		Rule 200.06	

Area	Main Topic	Sub-Topic	Idaho Statute	DHR Rule	Related Information (Laws, Executive Orders, Guidance, Etc.)
		Each agency must maintain written due process procedures which have been approved by the DHR Administrator and comply with Rule 200. A copy of the procedure must be furnished and explained to each employee.		Rule 200.02; Rule 200.07	
		Notice of Contemplated Action (NOCA) within 10 working days unless both parties waive in writing. Copy to DHR Administrator.		Rule 200.06	
		Employee can be represented by person of employee's own choosing during response. (May mediate if both parties agree)		Rule 200.06	
		Letter of Disciplinary Action (LODA) within 10 working days of employee deadline or response. Copy to DHR Administrator.		Rule 200.06	
		Regarding reduction in pay: Employee's rate must be within pay grade		Rule 072.01; 073..05	
Appeal to IPC				Rule 201	
		Petition for Review Procedure		Rule 202	
Separations					
	Severance Pay Prohibited		67-5342		
		Purchase of Membership Service Prohibited	67-5342A		
Resignation		Employee may resign at any time (even in lieu of being dismissed) and resignation is effective at the time designated by the employee without need for written or advance notice. Once employee has submitted resignation, reinstatement is at the discretion of appointing authority.		Rule 126	
During Probation	Separation - fail to complete entry/voluntary probation	15 days calendar notice with opportunity to resign (no right to problem solve or appeal)		Rule 152.02	
		Must provide DNA eval no later than 30 calendar days		Rule 152.01	
	Promotional probation	Maintains permanent status in the job class from which promoted until completed promo probation.		Rule 159.01	
		Regardless of promotional probation status, a Rule 190 disciplinary action may occur		Rule 153.01	
	Intra-agency fail to complete promotional probation	Employee shall be returned to a position in job class in which holds permanent status or another class in same paygrade if meets MQs. If employee refuses, it will be a voluntary resignation		Rule 153.02	
	Inter-agency fail to complete promotional probation	Employee may voluntarily demote to a vacant position in job class held permanent status. Must meet current MQs. Employee should be placed in higher paid position if more than one option. If no vacant position is available, employee is laid off with re-employment preference rights.		Rule 153.03	

Area	Main Topic	Sub-Topic	Idaho Statute	DHR Rule	Related Information (Laws, Executive Orders, Guidance, Etc.)
Failure to Return to Work from Leave		Agency must provide written notice to employee that he/she has not returned to work within 5 days of leave ending and will be voluntarily separated. Employee may provide objection.		Rule 244	
Medical Layoff		After 12 weeks of cumulative disability in 52 weeks or when accrued sick leave has been exhausted, whichever is longer, and inability to return to work. Employee placed on layoff list for 1 year.		Rule 241.02	
Layoffs/Reduction in Force				Rules 140 - 147	
		Layoff units must be approved by DHR before the effective date of the layoff and organizational layoff unit designations must be reviewed with a change in appointing authority or DHR Administrator		Rule 140.05	
	Abolishment of positions	Appointing authority may abolish position(s) for reasons of administrative efficiency		Rule 066	
	Assessment of Adverse Impact	In planning and conducting RIF, appointing authority must consider effect of any adverse impact on protected classes.		Rule 140.03	
		Layoff is by classification of position. May include or exclude MQ Specialties.		Rule 140.04; Rule 143.01	
	Limited service	No re-employment preference or "bumping" rights. Can voluntarily demote to vacant position with approval of appointing authority.		Rule 120.02; Rule 147.01.b.	
	Layoff includes:	Layoff conditions (shortage of funds or work, reorganization, end of limited service appointment, employee's failure to complete interagency promo probation when demotion options are not available, or abolishment of one or more positions)		Rule 140.01	
	Layoff includes:	An involuntary reduction of hours worked constitutes a layoff unless it is a furlough of all positions in the job class		Rule 140.06	
	Layoff includes:	A downward reclass of more than one pay grade is considered a layoff unless the change is disciplinary		Rule 140.07	
		Layoffs must be accomplished in a systematic manner and must not be based on race, color, national origin, gender, age, religion, disability, or political affiliation. Must not do away with right to problem solve or appeal if the layoff is in fact a dismissal.		Rule 140.02	
		Limited service appointments have no re-employment preference or "bumping" rights		Rule 140.04.c.	
Calculation of Retention Points	Credited State Service (CSS) hours	CSS hours are classified service (plus CSS prior to establishment of Title 67, Chapter 53 or CSS transferred per Rule 040)	67-5332	Rule 142; Rule 040	

Area	Main Topic	Sub-Topic	Idaho Statute	DHR Rule	Related Information (Laws, Executive Orders, Guidance, Etc.)
			59-1604		
		Calculate retention points for all employees in the job class including underfills		Rule 143.02	
		Evaluation ratings, classified CSS hours, and veterans preference are factored into the calculation		Rule 141	There is an Excel calculation form available from DHR
		Veterans receive additional 3 years of service at APS level		Rule 141.03; Rule 20.02	
		No evaluation on file receives Solid Sustained rating points		Rule 141.01	
		No changes allowed to evaluation after it has been signed except through problem solving resolution		Rule 141.01.b	
		No points will be calculated for 60 days prior to effective date of layoff		Rule 141.04	
	Order of RIF			Rule 143.03	
	Notification to DHR Administrator	At least 15 calendar days prior to effective date including list of affected employees and their retention point calculations		Rule 143.05	
	Notification of Affected Employees	In writing at least 15 calendar days prior to effective date. Include copy of layoff procedure and computation of retention points		Rule 143.04	
	Voluntary demotion in lieu of layoff	Within layoff unit may vol demote to job class which held permanent status in the agency. Must meet MQs. Must have greater retention points and notify the agency within 3 working days of written notification of the layoff.		Rule 147	
	Placement on layoff register	Whether laid off or voluntarily demoted, will be placed on layoff list for job class for one year or until declines 3 job offers without good cause. Employee can request to be removed at any time.		Rule 144	
		Begin with highest # of retention points. Ties are highest # in past 36 months or by random selection		Rule 143.03	
	Audit of Retention Points	Request must be filed with agency within 5 calendar days of employee notification. Independent auditor designated by the DHR Administrator and decision is binding unless appeal is filed within 35 calendar days from notification of auditor decision		Rule 141.05	
	Priority given to Re-employment Preference hiring lists			Rule 145	
Job Classifications		All positions are classified except if specifically defined (in Statute) as non-classified	67-5303		


Area	Main Topic	Sub-Topic	Idaho Statute	DHR Rule	Related Information (Laws, Executive Orders, Guidance, Etc.)
		Accurate position classification is the foundation for providing equal pay for equal work... Upon Administrator's determination that classification rules have been violated, appointing authority will be informed and provided 30 days to take corrective action.		Rule 068	
	Classification Schedule	Adoption		Rule 060	
		DHR will assist agencies in analysis of positions to determine proper classification	67-5309	Rule 061	DHR has position review forms available
		DHR has responsibility and authority to classify positions in the classification schedule		Rule 062	
		DHR in cooperation with agencies will ensure appropriate and accurate class specs		Rule 063	
		Amendments submitted to DHR for establishing, deleting or revising a classification; DHR (and DFM if fiscal impact) approval is required		Rules 064 and 065	
		When class spec revised, applicants on existing register shall be placed on register for revised class		Rule 107	
	Reclassification of positions			Rule 067	
	Downward reclass of a position	A downward reclass of more than one pay grade is considered a layoff unless the change is disciplinary		Rule 140.07	
	Downward reassignment of a job classification			Rule 072.08	
	Hay Point-factoring	DHR will use Hay method	67-5309B	Rule 070.02	
		Assignment to pay grade	67-5309B	Rule 074.01	FY2017 Pay Schedule
			67-5309C		
		Guide Charts, Factoring Benchmarks, Factoring Process, Approval		Rule 074.02-05	
		Factoring Process		Rule 074.04	
		Appeal	67-5316	Rule 074.05	
	FLSA	FLSA Codes for classified positions determined by DHR Administrator in accordance with FLSA	67-5302		FLSA
		Executive Exempt	67-5302 (12)	Rule 260.02	
			67-5328		
Idaho Public Records Act					
Employee Service Records		DHR maintains a service record including all personnel transactions pertinent to the employee's employment history		Rule 220.01.a	
		Employee may at reasonable times during business hours review his/her service record at DHR or maintained in any agency, except material used to screen and test for employment.		Rule 220.01.b.	
	HR Records Retention				Human Resource Records Retention Schedule

Fair Labor Standards Act Update

Susan Buxton
 Administrator – DHR
 July 14, 2016
 9:00 A.M.
 Lincoln Auditorium




1



FLSA Overtime Changes

- In 2014, President Obama signed a Presidential Memorandum directing the Department of Labor (DOL) to update the FLSA regulations defining which white collar workers are protected by its minimum wage and overtime rules. The memorandum instructed DOL to update the compensation thresholds and simplify the regulations while ensuring the FLSA's overtime protections were not diminished.
- DOL published the Notice of Proposed Rulemaking (NPRM) in the Federal Register on July 6, 2015 (80 FR 38515). DOL received over 270,000 comments from a variety of interested stakeholders.
- On May 18, 2016, President Obama announced the publication of the DOL's final rule updating the FLSA's overtime regulations.
- The effective date of the final rule is December 1, 2016. Future automatic updates to the initial thresholds will occur every three years, beginning on January 1, 2020.

2




Salary And Compensation Level Updates For "Exempt From Overtime" Workers

Specifically, the Final Rule:

- sets the standard salary level at the 40th percentile of earnings of full-time salaried workers, at \$913 per week; which is \$47,476 annually for a full-year worker;
- sets the total annual compensation requirement for highly compensated employees (HCE), subject to a minimal duties test, was calculated to the annual equivalent of the 90th percentile of full-time salaried workers nationally at \$134,004;
- establishes a mechanism for automatically updating the salary and compensation levels every 3 years to maintain the levels at the above percentiles. And;
- amends the salary basis test to allow employers to use nondiscretionary bonuses and incentive payments (including commissions) to satisfy up to 10 percent of the new standard salary level.


3



Practical Effects Of The New Overtime Rules

- By increasing the number of workers who are eligible for overtime after they work over 40 hours in a week, employers will have a choice: they can either increase their employees' salaries to at least the new salary threshold, pay workers the overtime premium for extra hours, or limit their work to 40 hours in a week.
- Establishing that white collar workers are not entitled to overtime pay involves clearing two hurdles: (1) assessing whether their salary is above the threshold and (2) applying a "duties test" to ensure that they have the kind of job Congress intended to exclude from accruing overtime pay.
- Job titles never determine exempt status under the FLSA. Likewise, receiving a particular salary, alone, does not indicate that an employee is exempt from overtime and minimum wage protections.
- The final rule does not make any changes to the "duties test" which determines whether white collar salaried workers earning more than the salary threshold are ineligible for overtime pay. DOL estimates that fewer employers and workers will have to worry about applying the duties tests because the higher salary threshold means more workers' entitled to overtime pay will be clear just from their salaries. For workers with salaries above the updated salary level, employers will continue to use the same duties test to determine whether or not the worker is entitled to overtime pay.

4




Three Tests to be Met for White Collar Exemption

The regulations implementing the white collar exemptions generally require individuals to satisfy three criteria to be exempt from overtime requirements:

- First, they must be paid on a salary basis not subject to reduction based on quality or quantity of work ("salary basis test") rather than, for example, on an hourly basis;
- Second, their salary must meet a minimum salary level, which will be \$913 per week after the effective date of the Final Rule; which is equivalent to \$47,476 annually for a full-year worker ("salary level test"); and,
- Third, the employee's primary job duty must involve the kind of work associated with exempt executive, administrative, or professional employees (the "standard duties test").

5




Duties Test Under New Rule For Executive, Administrative and Professional Workers

	EXECUTIVE	ADMINISTRATIVE	PROFESSIONAL
Salary Basis Test	•Employee must be paid on a salary basis	•Employee must be paid on a salary or fee basis	•Employee must be paid on a salary or fee basis
Standard Salary Level Test	•\$913 per week (\$47,476 per year for a full-year worker)	• \$913 per week (\$47,476 per year for a full-year worker) • Special salary level for certain academic administrative personnel	• \$913 per week (\$47,476 per year for a full-year worker) • Salary level test does <u>not</u> apply to doctors, lawyers, or teachers
Standard Duties Test	•The employee's "primary duty" must be managing the enterprise, or managing a customarily recognized department or subdivision of the enterprise (and managing 2 full-time employees as well). •Additional requirements provided in 29 CFR 541 Subpart B	•The employee's "primary duty" must include the exercise of discretion and independent judgment with respect to matters of significance. •Additional requirements provided in 29 CFR 541 Subpart C	•The employee's "primary duty" must be to primarily perform work that either requires advanced knowledge in a field of science or learning or that requires invention, imagination, originality or talent in a recognized field of artistic or creative endeavor. • Additional requirements provided in 29 CFR 541 Subpart D

6


Use Of Comprehensive Time Off Under The New Rule



- State agencies may allow their employees to earn compensatory time off ("comp time") instead of cash payment for overtime hours. Any comp time arrangement must be established pursuant to the applicable provisions of law, policy or agreement between the public agency and overtime-protected employees before the performance of the overtime eligible work. The State of Idaho has provided statutory authority for how and which employees are eligible for compensatory time off in lieu of overtime. Idaho Code § 67-5328 and IDAPA 15.04.01.262(01-03).
- "Compensatory time" means approved time off from duty provided in compensation for overtime hours worked. Idaho Code § 67-5302(7).
- Pursuant to Idaho Code 67-5328:
 - (3) Cash for overtime and compensatory time shall be paid based on the following criteria:
 - (a) Classified and nonclassified officers and employees who fall within one (1) or more of the following categories are ineligible for cash compensation or compensatory time for overtime work:
 - (i) Elected officials; or
 - (ii) Those included in the definition of section 67-5303(j), Idaho Code.
 - (b) Classified and nonclassified employees who are designated as **executive**, as provided in section 67-5302, Idaho Code, and who are not included in the definition of subsection (3)(a) of this section, shall be ineligible for compensatory time or cash compensation for overtime work. Such salaried employees shall report absences in excess of one-half (1/2) day.

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Use Of Comprehensive Time Off Under The New Rule (cont.)



- (c) Classified and nonclassified employees who are designated as administrative or professional, as provided in the federal fair labor standards act, 29 U.S.C. section 201, et seq., or who are designated as exempt under any other complete exemption in federal law, and who are not included in the definition of either subsection (3)(a) or (3)(b) of this section, shall be ineligible for cash compensation for overtime work unless cash payment is authorized by the state board of examiners for overtime accumulated during unusual or emergency situations, but such classified and nonclassified employees shall be allowed compensatory time off from duty for overtime work. Such compensatory time shall be earned and allowed on a one (1) hour for one (1) hour basis, shall not be transferable, and shall be forfeited at the time of transfer to another appointing authority or upon separation from state service. Compensatory time may be accrued and accumulated up to a maximum of two hundred forty (240) hours. Effective with the first pay period in July, 2008 (beginning date June 15, 2008), compensatory time balances in excess of two hundred forty (240) hours will not continue to accrue until the balance is below the maximum. After the last pay period in June, 2009 (ending date June 13, 2009), balances in excess of two hundred forty (240) hours shall be forfeited.
- (d) Classified employees who are not designated as executive, administrative or professional as provided in this section, and who are not included in the definition of subsection (3)(a) of this section or who are not designated as exempt under any other complete exemption in federal law, shall be eligible for cash compensation or compensatory time off from duty for overtime work, subject to the restrictions of applicable federal law. Compensatory time off may be provided in lieu of cash compensation at the discretion of the appointing authority after consultation, in advance, with the employee. Compensatory time off shall be paid at the rate of one and one-half (1 1/2) hours for each overtime hour worked. Compensatory time off which has been earned during any one-half (1/2) fiscal year but not taken by the end of the succeeding one-half (1/2) fiscal year, shall be paid in cash on the first payroll following the close of such succeeding one-half (1/2) fiscal year. Compensatory time not taken at the time of transfer to another appointing authority or upon separation from state service shall be liquidated at the time of such transfer or separation by payment in cash.

8


Cash for Compensation for Overtime



- Idaho Code § 67-5328(4) : Cash compensation for overtime, when paid, shall be at one and one-half (1 1/2) times the hourly rate of that officer's or employee's salary or wage, except for those employees whose positions fall within the definitions of executive, administrative or professional as stated in section 67-5302, Idaho Code, who will be paid at their regular hourly rate of pay as provided for in subsection (3) of this section.
- Idaho Code § 67-5328(5): Except as provided for in subsection (3) of this section, compensation for authorized overtime work shall be made at the completion of the pay period next following the pay period in which the overtime work occurred and shall be added to the regular salary payment.

9


Law Enforcement, Corrections and Fire Protection Employees



Employees engaged in fire protection or law enforcement may be paid overtime on a “work period” basis, rather than the usual 40-hour workweek of the FLSA. A “work period” may be from 7 consecutive days to 28 consecutive days in length. Idaho Code § 67-5302(20).

10

Options For State Agencies To Comply With The Final Rule




- DOL does not dictate what option employers should use to comply with the revised regulations. Some options to comply with the new salary thresholds include: (1) raise salaries for workers whose salaries are close to the new threshold and who pass the duties test. Employers may choose to raise these workers’ salaries to meet the new threshold and maintain their exempt status; or, (2) pay overtime above a salary. State government employers also can continue to pay newly overtime eligible employees a salary and pay overtime, or provide comp time for overtime hours in excess of the 40 per week. The employer must keep an accurate record of the number of daily hours worked by the employee.
- Evaluate and realign employee workload: Employers can limit the need for employees to work overtime by ensuring that workloads are distributed to re-duce overtime, that staffing levels are appropriate for the workload, and that workers are managing their time well.
- Utilize comp time: State government employers can provide comp time rather than cash overtime payments in appropriate circumstances.
- The Executive Branch of the State of Idaho expects its agencies to manage personnel costs, including implementation of the Final Rule within their existing budgets.¹ Agencies are also encouraged to have accrued compensatory time used prior to the effective date of the Final Rule as set forth in Idaho Code § 67-5328 policies.

¹ May 23, 2016 memo to Ex. Branch Agency/Dept. Heads re: FLSA Overtime Final Rule From DHR & DFM

11


Other Exemptions and Rules



Many employees of state government will not be affected by the final rule:

- Hourly workers: The new threshold will have no impact on the pay of workers paid hourly. Generally, all hourly workers—including those employed by state government—are entitled to overtime pay or comp time regardless of how much they make if they work more than 40 hours. Nothing in the new rule changes that.
- Workers with regular workweeks of 40 or fewer hours: To the extent that many salaried white-collar staff in state government have office jobs where they work no more than 40 hours, the changes to the overtime rules will have no effect on their pay.
- Law enforcement and fire protection employees who regularly work hours that conform to the longer work periods permitted for such employees, the changes will also not impact their pay.
- Workers who fail the duties test: Salaried workers who do not primarily perform executive, administrative, or professional duties are not eligible for the white collar overtime exemption and therefore are not affected by the final rule. Those employees already should be getting paid overtime or comp time for any hours they work over 40 in one week (or the applicable work period maximum for fire protection and law enforcement employees).
- Highly compensated workers: White collar workers who fail the standard duties test but are “highly compensated”—earn more than \$134,004 in a year—are almost all ineligible for overtime under the HCE exemption.
- Elected officials, their policymaking appointees, their personal staff and legal advisors who are not subject to civil service laws. These state and local government employees are not covered by the FLSA and will not be impacted by the rule.
- Legislative branch employees who are not subject to civil service laws. These state and local government employees are not covered by the FLSA and will not be impacted by the rule.
- Public employees who have a comp time arrangement. State government employers may continue to use comp time to satisfy their overtime obligations to employees who have not accrued the maximum number of comp time hours.


12



Higher Education

- As with most employees, the minimum wage and overtime provisions of the FLSA generally apply to employees at higher education institutions. State institutions of higher education are subject to the provisions of the FLSA. However, higher education employers, like other employers, are not required to pay minimum wages and overtime compensation to executive, administrative, and professional employees who satisfy the salary level and other requirements for one of the white collar exemptions.
- In addition, certain provisions of the FLSA regulations apply to many white collar employees at higher education institutions that may make them exempt from overtime compensation, even though they earn below the new salary level. These include special provisions for employees whose primary duty is teaching and special salary level rules for academic administrative personnel.
- Public universities and colleges that qualify as a "public agency" under the FLSA may compensate overtime-eligible employees through the use of compensatory time off (or "comp time") in lieu of cash overtime premiums.


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Concerns Over the New Rule

- Increasing the salary test level over two times may create an unintended consequence where employers may lower base wages to offset the cost of the regulation.
- While the Final Rule makes more employees eligible for overtime pay, it does not guarantee they will actually earn more overtime pay.
- Indexing the salary level to an automatic updates
- Formerly exempt employees that may be re-categorized to non-exempt should understand their work is valued even when they are told they cannot work overtime without prior authorization.
- There is a federal lawsuit and proposed federal legislation pending challenging the rule and to delay its enforcement. These efforts, among others nationally, seek to have DOL conduct a comprehensive economic analysis of the rule and the automatic updates before it is implemented.
- Source data: WorldatWork, 2016 Total Rewards Conference, San Diego, CA June 2016 – Melissa Sharp Murdock, Esq.

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Tips for Implementing the New Overtime Rule

- Focus on the weekly \$913 test, not the \$47,476 annual threshold. This is a week-by-week test so be sure exempt employees meet it each week. DOL will consider an employee "overtime-eligible" during weeks they do not make \$913.
- The exception to the \$913 per week rule occurs if an employee receives a non-discretionary bonus, paid out at least quarterly, that provides the employee of at least \$821.70 per week and the pay for the quarter, with the bonus, averages at least \$913 per week. DOL's non-discretionary bonus definition is very broad. No matter, the bonus method is risky because if the employee fails to earn the bonus or the payroll calculations are in error, making less than \$913 in any week in the quarter, they are OT-eligible for the whole quarter. Best not to depend on a bonus to maintain exempt status.
- Budget planning before the 2020 salary threshold update will be necessary because many of the lower salaries will drop out of the data set over the next 3 years.
- Make the switch over Thanksgiving to make salary changes to apply. The reason is that some employees may be exempt for half of the week and non-exempt the second half. It is unlikely that newly overtime-eligible employees will work overtime that week so the transition will be easier without making it more expensive.
- It is unlikely implementation of the Final Rule will be delayed so plan for December 1, 2016.
- Source: www.hrmarketing.com – "11 remarkable overtime rule tips from DOL insider" Christian Schappel, July 1, 2016.

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STATE OF IDAHO

May 23, 2016

MEMORANDUM

TO: Executive Branch Agency/ Department Heads

CC: Agency/ Department HR Officers
Agency/ Department Fiscal Officers

FROM: Susan E. Buxton, Administrator
Division of Human Resources

Handwritten signature of Susan E. Buxton in black ink.

Jani Revier, Administrator
Division of Financial Management

Handwritten signature of Jani Revier in black ink.

SUBJECT: Fair Labor Standards Act (FLSA) Overtime Final Rule

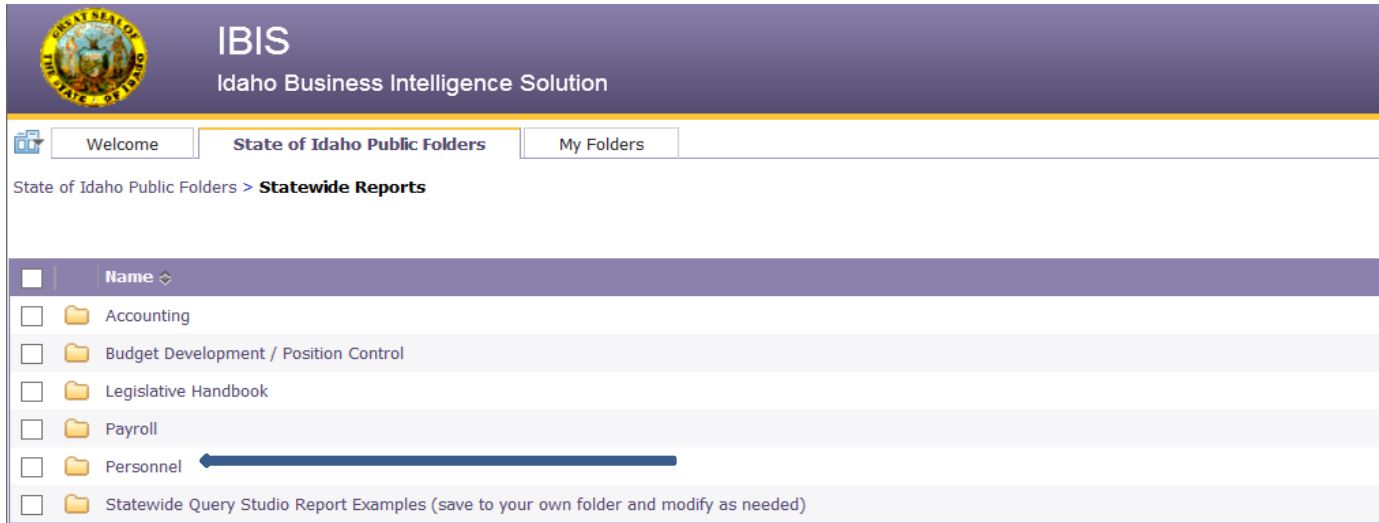
Last week, the U.S. Department of Labor released the final rule changes to the white collar exemptions under the Fair Labor Standards Act. The salary threshold is changing to \$47,476 annually for workers in full-time positions designated as exempt under executive, administrative, and professional exemptions.

December 1, 2016 is the effective date for the revised overtime rule. This gives sufficient time for the State of Idaho to assess the impact on our workforce and plan accordingly. As we move forward, agencies are expected to manage personnel costs within their existing budgets. Agencies should not expect that additional resources will be available due to this rule change.

We are continuing to monitor additional information as it is issued by the U.S. Department of Labor, particularly related to time-keeping requirements and other compliance aspects.

Idaho Business Intelligence Solution (IBIS) - Personnel Reports

Consumer licenses for IBIS are free and will give access to reports that have already been built such as the Personnel reports found in the Statewide Reports.



Within the Personnel folder there are the many reports that will help with HR Planning. For example:

- Retirement projection Reports
- Employee Turnover Reports
- Compa-Ratio reports
- Class Code Reports
- Performance Evaluations Reports
- Pay Rate Reports

To get access to these reports visit the SCO website and select form, User Access forms and the IBIS Authorization form.



Should your agency decide that there is a need to build reports the query studio license is only a one-time charge of \$300. SCO provides training for the report building in IBIS through links on the website and in-person classes.



Benefits At A Glance

The State of Idaho is pleased to offer a comprehensive benefits package for employees of state agencies, political subdivisions, universities and colleges which includes medical and dental insurance; as well as life insurance, disability coverage and flexible spending accounts.

Benefits are an important component of Total Compensation along with salary and retirement. We encourage employees to explore and understand the benefits available to them in order to make the best decisions to meet their insurance needs.

This is only an overview of the benefits program administered by the State's Office of Group Insurance (OGI). For detailed benefits, plan coverage, eligibility, premiums and more, visit:

<http://ogi.idaho.gov>.

Consult your agency's human resource office or the Office of Group Insurance for enrollment periods applicable to benefits summarized below.

MEDICAL INSURANCE: Options include Blue Cross of Idaho Preferred Provider (PPO), Traditional or High Deductible plans. Each medical plan provides comprehensive coverage, with different levels of out-of-pocket expenses and premium contribution rates. The agency and the employee share the cost of premiums. The employee's share of medical premium is based on the plan type and number of people they enroll for coverage. A detailed Summary of Benefits & Coverage (SBC) for each plan type as well as full plan contracts and premium rates are available on the Office of Group Insurance website. Employees may also choose to decline benefits.

VISION BENEFIT: Each medical plan includes a Vision Benefit. Blue Cross of Idaho contracts with VSP (Vision Service Plan) to administer this benefit. Participants can choose a VSP network vision care provider or non-network provider; the benefit is identical, the difference is in the method in which claims are submitted.

EMPLOYEE ASSISTANCE PROGRAM (EAP): All benefit eligible employees and their dependents have access to confidential, short-term counseling to help them handle concerns constructively, before they become major issues. The EAP includes up to 5 visits per person per plan year with no copayment required.

DENTAL INSURANCE: When an employee enrolls in a medical plan, they are required to enroll for at least self-only dental coverage. Employees can continue with self-only coverage regardless of the number of dependents on their medical plan, or they can elect family dental coverage. Premiums are based on the number of people enrolled on the employee's plan. Premiums are posted on the website.

PREMIUM ONLY PLAN: A tax-advantaged program where employees can elect to have medical and dental premiums deducted on a pre-tax basis, before federal or state income tax or FICA taxes are withheld.



FLEXIBLE SPENDING ACCOUNTS: Health Care Flexible Spending Accounts (HCFSA) and/or Day Care Flexible Spending Accounts (DCFSA) allow employees to use pre-tax dollars to pay for expenses not covered by health insurance (i.e. copayments, deductibles, prescriptions) and/or dependent care expenses. Employees do not have to enroll in any other health benefit plan to participate in flexible spending.

New employees, or those with a qualified life event specific to the Day Care FSA, have 30 days from date of hire to enroll, or you must wait until the next open enrollment period. Enrollment for flex accounts is done on an annual basis and does not carry over from year-to-year.

BASIC LIFE INSURANCE: Life insurance is provided by the agency at no cost to the employee. The agency's human resource office will provide the Principal Life Insurance Enrollment/Beneficiary Designation form.

ACCIDENTAL DEATH & DISMEMBERMENT: Included in the Basic Life Insurance policy, no special enrollment is required. AD&D provides a percentage of annual salary for certain serious physical losses, including loss of life, due to a covered accident.

SHORT & LONG TERM DISABILITY: Disability coverage is included in the Basic Life policy, no special enrollment is required. When an employee is unable to work because of an illness (including pregnancy) or injury, the employee may be eligible for disability benefits. Disability benefits can provide a source of continuing income and/or continued access to group insurance coverages for a period of time. Disability benefit amounts may be directly reduced by other sources of income.

VOLUNTARY TERM LIFE (VTL) INSURANCE: Employees may purchase additional term life insurance up to 3x their annual salary as well as additional spouse and dependent coverage. New employees who elect coverage will need to check the appropriate box on the Principal Life Insurance Enrollment/Beneficiary Designation form **AND** complete a Voluntary Term Life enrollment form within 30 days of hire. The agency human resource office will then calculate the appropriate premium deduction. Employees can apply for VTL coverage at anytime; those without a qualifying life event who apply after the 30-day initial enrollment period must provide proof of insurability before enrollment can be evaluated.

STATE POLICE OPTIONAL LIFE: Purchase of this additional coverage is available only to police office members of the Idaho State Police, as defined in I.C. 59-1303(3). The agency and employee share the cost of the premiums. The agency human resource office will provide the Principal Life Insurance Enrollment/Beneficiary Designation form.

Office of Group Insurance

304 N. 8th Street, Room 434

P. O. Box 83720

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