

About Form RS118

Items on the Form

• Member Information

- **Position Title** - Enter the title of the position the employee is moving into.
- **Subsection of Idaho Code §59-1303** - If you are decertifying an employee, leave this column blank. If you are certifying a police officer, enter the Idaho Code subsection that covers the position (see below).
- **Effective Date** - Enter the date the employee begins working in the new position.

• Employer Certification

This form is not valid without the name, title, phone number and signature (with signing date) of an officer of the employer who is authorized to certify the change in classification.

Former Police Officer Members Reclassified as General Members

Former police officer members reclassified as general members on July 1, 1985, must stay in the same positions to maintain grandfathered rights. Effective July 1, 1985, the statutes were changed so that only individuals whose principle duties are active law enforcement are considered Class 2 members. Before that date, almost anyone who worked for a law enforcement agency received Class 2 (police officer) retirement benefits.

A Class 2 member whose position continued to be classified as police officer after July 1, 1985, maintains police officer retirement benefit rights.

Grandfathered Rights

Members in Class 2 positions on June 30, 1985, who were reclassified as general members became Class 4 members and were grandfathered to certain Class 2 rights. These rights are that Class 4 members can still retire under the Rule of 80 (age plus years of service equals 80) to receive unreduced retirement benefits, or retire early between the ages of 50 to 60 with reduced benefits. In order for Class 4 members to maintain these grandfathered rights, they must stay in the same position until retirement. A Class 4 member's retirement is calculated using a combination of the police officer and general member formulas, with Class 2 service to July 1, 1985, and Class 1 (general member) service after July 1, 1985.

Position Is Reclassified

If an employee remains in a Class 4 position, and the position "changes around them" through no personal fault or action, the employee continues to maintain grandfathered rights. Examples: The position is reclassified by the Division of Human Resources, or the agency downsizes and combines positions.

Member Changes Positions

If the employee changes positions or takes a promotion, even within the same agency, the employee loses grandfathered rights but retains any police officer service earned prior to July 1, 1985, or decertification.

Idaho Code §59-1303

(1) As used in this chapter, each of the terms used in this section shall have the meaning given in this section unless a different meaning is clearly required by the context.

(2) Police officer membership status for retirement purposes may be fixed only by law.

(3) Members holding or filling the following positions or offices are designated by law as having police officer member status for retirement purposes during the time of their appointment to that position or during their term of office:

(a) Idaho state police:

- (i) The director and deputy director of the Idaho state police;
- (ii) Commissioned and sworn troopers, specialists (detectives), and POST training coordinators;
- (iii) Commissioned and sworn personnel in a supervisory capacity as major, captain, lieutenant, or sergeant; and
- (iv) The commissioned state brand inspector, deputy brand inspectors, and brand inspector supervisors;

(b) County law enforcement:

- (i) County sheriffs;
- (ii) "Peace officers" and "county detention officers" as defined in chapter 51, title 19, Idaho Code; and
- (iii) Supervisory "peace officers" and "county detention officers" as defined in chapter 51, title 19, Idaho Code;

(3) (continued)

(c) City law enforcement:

- (i)** City police chiefs;
- (ii)** "Peace officers" as defined in chapter 51, title 19, Idaho Code; and
- (iii)** Supervisory "peace officers" as defined in chapter 51, title 19, Idaho Code;

(d) Conservation officers, the enforcement assistant chief, and enforcement bureau chief of the department of fish and game;

(e) Department of correction:

- (i)** The director and deputy director of the department of correction, the division chief and deputy division chief for probation and parole, and the wardens and deputy wardens of institutions;
- (ii)** Correctional officers, presentence investigators, correctional officers in the supervisory capacity of lieutenant, sergeant, corporal, correctional specialist, correctional specialist supervisor, and correctional managers;
- (iii)** Probation and parole supervisors, probation and parole investigators, and probation and parole officers; and
- (iv)** Correctional peace officer training instructors;

(f) Employees of the adjutant general and military division of the state where military membership is a condition of employment;

(g) Magistrates of the district court; justices of the supreme court, judges of the court of appeals, and district judges who have made an election under section 1-2011, Idaho Code; and court employees designated by court order to have primary responsibility for court security or transportation of prisoners;

(h) Employees whose primary function requires that they are certified by the Idaho department of health and welfare as an emergency medical technician-basic, an advanced emergency medical technician-ambulance, an emergency medical technician-intermediate, or an emergency medical technician-paramedic;

(i) Criminal investigators of the attorney general's office, and criminal investigators of a prosecuting attorney's office; and

(j) The director of security and the criminal investigators of the Idaho state lottery.

(4) On and after July 1, 1985, no active member shall be classified as a police officer for retirement purposes unless the employer shall have certified to the board, on a form provided by the board, that such member is an employee whose primary position with the employer is one designated as such within the meaning of this chapter, and the board shall have accepted such certification. Acceptance by the board of an employer's certification shall in no way limit the board's right to review and reclassify the position for retirement purposes based upon an audit or other relevant information presented to the board. The board may carry out such acts as are necessary to enforce the provisions of this chapter.

(5) A member classified as a police officer for retirement purposes whose position is reclassified to that of a general member for retirement purposes as a result of a determination that the position does not meet the requirements of this chapter for police officer member status for retirement purposes shall become a general member. Excess employer and employee contributions shall be refunded to the employer by offsetting future contributions and the member's record shall be corrected. It shall be the employer's responsibility to refund employee contributions directly to the employee.