



# Employer Certification of Police Officer Status

### Purpose of the Form

- Use this form to certify that a member's position meets the requirements for classification as a police officer for retirement purposes, or to decertify a certified police officer member to a general member.

### Instructions

- 1 Complete the form in blue or black ink.
- 2 Read **About Form RS118**, attached.
- 3 Complete **Member Information** below and check the appropriate box to certify or decertify police officer status.
- 4 Complete **Employer Certification** below.
- 5 Send the form to PERSI. PERSI will verify that the member's position meets the requirements for the classification sought.

**Note:** You do not need to decertify police officer members who terminate employment. PERSI does so automatically upon receiving the termination record on your transmittal report.

<b>Member Social Security Number</b>

Member Information	
Name – First, Middle, Last	
Position Title	
Subsection of Idaho Code §59-1303	Effective Date – mm/dd/yyyy
<b>Change of Classification</b> (choose one) <input type="checkbox"/> <b>Certification:</b> This member is appointed to the above indicated position and is designated a police officer member for retirement purposes while so employed, as provided by the specified subsection of Idaho Code §59-1303. <input type="checkbox"/> <b>Decertification:</b> This member, who was previously certified as a police officer member for retirement purposes, has been reassigned to a non-police officer status position.	

Employer Certification	
<b>Note:</b> Certifications under subsection (3)(g) will be accepted from the Administrative Director of the Courts only.	
Employer Name	Employer Number
Name of Appointing Authority, Personnel Officer, or Like Officer	
Position Title	Daytime Phone Number (include area code)
I am an officer of the above-named employer and duly authorized to certify this change in classification. I attest that the above information is correct to the best of my knowledge.	
Signature	Date – mm/dd/yyyy

PERSI Use Only	
Approved By (by direction of the Retirement Board)	Date – mm/dd/yyyy



# About Form RS118

## Items on the Form

- Complete the form in blue or black ink.
- **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 defined 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 or by order of the retirement board.

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

(a) (i) The director and deputy director of the department of law enforcement, the administrator of the Idaho state police division and the assistant director of the police services division. (ii) Commissioned personnel of the state police division, police services division and alcohol beverage control division holding positions which involve active law enforcement services, for which current POST certification is required to continue in employment in the position, POST instructors, and department of law enforcement training instructors. (iii) Brand inspectors and brand inspector supervisors. (iv) Employees of the department of law enforcement serving in positions of personnel management, accounting, data processing, clerical services and in like general classifications found in departments throughout state government and not within the scope of active law enforcement service are not eligible for police officer member status.

**(3) (continued)**

**(b) (i)** County sheriffs; **(ii)** Deputy county sheriffs holding positions for which current POST certification is necessary to continue in employment in the position, the principal duties of which are active law enforcement service; deputy county sheriffs holding positions which require accountability for the safety and safekeeping of persons confined in a city or county confinement facility or whose duties require active participation in county law enforcement activities pertaining to crime prevention or reduction; deputy sheriffs, even though POST certified or required to be POST certified, holding positions whose principal full time duties are those of a telephone operator, clerk, stenographer, animal control officer, records specialist, or duties not within the scope of active law enforcement service are not eligible for police officer member status. Deputy sheriffs that hold a current peace officer or detention officer certificate from the POST council that are promoted or hired to act in a supervisory capacity within a sheriff's office, that are not disqualified through disability from acting as peace officers or detention officers when called upon, shall not lose their peace officer status as defined in this section.

**(c) (i)** City police chiefs; **(ii)** City police officers holding positions for which current POST certification is necessary to continue in employment in the position, the principal duties of which are active law enforcement service; city police officers holding positions which require accountability for the safety and safekeeping of persons confined in a city or county confinement facility or whose duties require active participation in city law enforcement activities pertaining to crime prevention or reduction; police officers, even though POST certified or required to be POST certified, holding positions whose principal full time duties are those of a telephone operator, clerk, stenographer, animal control officer, records specialist, or duties not within the scope of active law enforcement service are not eligible for police officer member status. City police officers that hold a current peace officer or detention officer certificate from the POST council that are promoted or hired to act in a supervisory capacity within a city police department, that are not disqualified through disability from acting as peace officers or detention officers when called upon, shall not lose their peace officer status as defined in this section.

**(d)** Employees of the department of fish and game serving in a conservation officer position for which current POST certification is necessary to continue in employment in that position and which position has as its primary accountability the enforcement of wildlife protection laws and regulations.

**(e) (i)** The director of the department of correction, the deputy director for probation and parole, and wardens of institutions;

**(ii)** Employees of the department of correction accountable for the custody, safety, safekeeping or supervision of persons confined in a department confinement facility and whose work station is located within the confinement facility; **(iii)** Probation and parole supervisors, probation and parole investigators, and probation and parole officers; **(iv)** Correctional peace officer training instructors;

**(v)** Employees of the department of correction serving in positions of personnel management, accounting, data processing, clerical services and in like general classifications found in departments throughout state government and not within the scope of active law enforcement service are not eligible for police officer member status.

**(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, 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.

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

**(4)** A member may be designated by the retirement board as a police officer member for retirement purposes if the position held is one in which the principal duties involve hazardous law enforcement duties.

**(a)** For purposes of this section, "hazardous law enforcement duties" mean principal duties which: **(i)** Will reasonably expect to increase the probability of early superannuation; **(ii)** Is associated with life-threatening risk or presents a position of peril either to the member or to others, or which can place the public safety in jeopardy; and **(iii)** Either compels others to observe the law, pertains to crime prevention, or pertains to crime reduction, including police, courts, prosecution, correction, or rehabilitation.

**(b)** If continued employment in a position is conditioned on maintaining current POST certification, such condition shall be evidence to be considered that the employee is a police officer member for retirement purposes. After July 1, 1985, a requirement for POST certification for classified state employees may be made only by the personnel commission.

**(c)** Occasional assignments to hazardous law enforcement duties does not create a condition for designation as a police officer member for retirement purposes.

**(5)** Any employer or agency that believes that any employee, not specifically designated as a police officer by law, is incorrectly classified as a non-police-officer member, may petition the retirement board for inclusion of that employee's position as one to be filled by a police officer member for retirement purposes. The petition shall be in writing and shall explain in detail the principal duties of the position and include written evidence which establishes that the criteria of subsection (4) are met. The board shall review the petition and evidence, together with such information and evidence as may be presented by the staff of the retirement system. The board may decide the matter based upon the information supplied, may request additional information, or may request an oral presentation before the board. The decision of the board shall be final, but a similar petition may be resubmitted after six (6) months.

**(6)** 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.

**(7)** An active 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 status for retirement purposes shall become a general member but shall not lose retirement benefits earned and accrued prior to the reclassification. If that member continues to be employed in that same position until retired, that member then will be deemed to be a police officer member for the purposes of retirement eligibility.