



# NEWS TO USE

*A newsletter for PERSI employers*

June 2011

- Sick Leave Certification
- Eight-Month Seasonal Employees

## SICK LEAVE POLICIES AND CERTIFICATION

PERSI recently contacted school superintendents about the unused sick leave program. The reason for sending them a letter was to provide clarification and education regarding current sick leave policies. It was also an opportunity to remind schools about using the Sick Leave Certification form (RS211) and submitting the information to PERSI.

### The Sick Leave Program

PERSI administers the unused sick leave fund for school districts and charter schools in accordance with applicable statutes (including Idaho Code section 33-1228) and PERSI Retirement Rules (IDAPA 59.01.06). The unused sick leave fund statute allows retired school district or charter school employees to utilize unused sick leave to pay for certain insurance premiums. PERSI makes payments directly to the insurer from the retiree's unused sick leave account. The retiree cannot and does not receive the money directly at any time. The amount available is calculated based on the formula provided in Idaho Code, section 33-1228 (i.e., days of unused sick leave/2 x daily rate of pay).

### Certification of Sick Leave Policy

To administer the unused sick leave fund in accordance with applicable law, PERSI must have on file current information relating to district and charter school sick leave policies.

The Sick Leave Policy Certification form (RS211), which requires the signature of the District Superintendent, Charter School Director or Board Chair, was enclosed with the letter to superintendents (it can be downloaded from the PERSI website at [www.persi.idaho.gov](http://www.persi.idaho.gov).) Along with the form, PERSI requested a copy of each district's current school year (2010-2011) sick

leave policy for certificated and non-certificated employees. Hereafter, districts will be required to submit an updated RS211 form and copy of their current sick leave policy to PERSI on an annual basis beginning in November 2011.

### Reporting Unused Sick Leave on an RS109

The Notice of Separation or Leave of Absence form (RS109) is used to report unused sick leave for a retiring employee. When completing the RS109 form, employers should include only the unused sick leave days actually remaining for the employee at the time of retirement. If a day was not really available to the employee (e.g., it was donated to a sick leave bank), it must be deducted from the amount reported.

As the trustee of the unused sick leave fund, PERSI is obligated to ensure the accuracy of unused sick leave calculations. Each RS109 form received from an employer is checked against current sick leave policies on file and the most recent unused sick leave balance reported on the employer's transmittal. If errors are found or questions exist, the form will be returned to the employer for correction or clarification. It will be the school's responsibility to contact retiring employees to explain errors or discrepancies.

Employers with questions about the unused sick leave program, completing the form, or submitting the sick leave policy, should contact the Employer Service Center (ESC) toll-free at 1-866-887-9525 or 287-9525 from the Treasure Valley area. If your employees have questions about unused sick leave, please direct them to the PERSI Answer Center (PAC) toll-free at 1-800-451-8228 or 334-3365 in Boise and the surrounding areas.

# EIGHT-MONTH SEASONAL EMPLOYEES

Each year, employees are hired by cities and counties to fill certain seasonal positions that last for 8 months or less. Beginning in 1995 for cities, 1997 for counties, and in 2010 for irrigation districts, seasonal workers became ineligible for PERSI membership. Before July 1<sup>st</sup> of each of these years, any seasonal employee who had established eligibility under the 5-consecutive-months definition would continue to be a member until terminated. If rehired as a seasonal employee at a later date, they would not be eligible for membership or service on the new employment unless it exceeded 8 consecutive months.

## How to Identify a Seasonal Worker

At the time of hire, the employer must submit a Certification of City or County Employee's 8-Month Seasonal Status form (RS130) to PERSI for each seasonal employee. Both the employer and the employee are required to sign the RS130 form acknowledging the employee is being hired in a seasonal position that relates to weather and growing season during a calendar year. Only a small number of positions qualify for city, county, or irrigation district 8-month seasonal status.

## Examples of qualifying positions:

- Groundskeepers for parks and golf-courses, and irrigation district positions.

## Examples of non-qualifying positions:

- Swimming pool attendants, playground equipment mechanics, snow removal operators, fire crews, and road repair technicians. \*

\* *Although these positions are seasonal, they are not determined by growing season.*

**Including a job description when submitting the RS130 makes it easier for the employer and for PERSI to ensure an employee qualifies for 8-month seasonal status.**

At the time of termination, the employer is required to resubmit a copy of the RS130 form to PERSI showing the employee's termination date.

## If Employment Exceeds 8 Months

If an employee exceeds 8 consecutive months of employment, then the position is not considered seasonal and all employment during the 8 months becomes eligible for PERSI membership. Employee and employer contributions would be required retroactive to the date of hire.

## Terminated at the End of 8 Months and Hired for a Different Position

If a seasonal employee is terminated at the end of 8 consecutive months and immediately hired for a different (non-seasonal) position with the same employer, the employee *is not* eligible for service credit for the time while they were employed as an 8-month seasonal worker. That time is specifically excluded by statute 59-1302(14)(B)(h).



## Not Applicable to State Agencies

The 8-month seasonal employee eligibility status *does not* apply to employees of state agencies. These employees are eligible for membership in PERSI after they have worked for 5 consecutive months, regardless of weather and growing conditions.

Employers are responsible for determining which of their employees meet the requirements of eligibility for PERSI membership and which ones do not meet the requirements. If you have questions about 8-month seasonal employees, or eligibility requirements in general, please contact the Employer Service Center (ESC) toll-free at 1-866-887-9525 or 287-9525 from the Treasure Valley area.