

Idaho

Employment Law Workbook Addendum

(Update on legislation enacted from Jan. 1, 2015- Dec. 31, 2016)

Topics

I. Discrimination

No new laws or regulations enacted in 2015 or 2016.

II. Pre-Employment Inquiry Guidelines

No new laws or regulations enacted in 2015 or 2016.

III. Family and Medical Leave

No new laws or regulations enacted in 2015 or 2016.

IV. Wage and Hour Laws

Idaho has joined a growing list of states to pass legislation prohibiting local governments from enacting employment laws that provide benefits greater than that provided under state or federal law. This trend is in response to cities' attempts to impose higher minimum wages and other employee benefits that exceed state and federal requirements.

The new law provides that no political subdivision shall require an employer to provide to an employee a minimum wage rate that exceeds the requirements of the Idaho state minimum wage law. The law defines "political subdivision" as any county, city, municipal corporation, health district, school district, irrigation district, an operating agent of irrigation districts whose board consists of directors of its member districts, special improvement or taxing district, or any other political subdivision or public corporation.

Idaho Code § 44-1502 (Effective Date 07/01/2016).

V. Drug Testing

No new laws or regulations enacted in 2015 or 2016.

VI. Noncompete and Other Employment Agreements

No new laws or regulations enacted in 2015 or 2016.

VII. Workplace Safety

No new laws or regulations enacted in 2015 or 2016.

VIII. Workers' Compensation

No new laws or regulations enacted in 2015 or 2016.

IX. Miscellaneous

A. National Guard Protections

Idaho provides employment and other protections to active members of the Air and Army National Guard called to active duty by the governor under the federal Servicemembers Civil Relief Act (SCRA) and the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA).

Previously, Idaho law only made these protections available to service members called to active duty or duty other than for training for 30 consecutive days or more. The amendments remove the requirement that the call to duty be for 30 consecutive days or more, ensuring the protections of SCRA and USERRA apply to all Air and Army National Guard members when they are called to duty.

Idaho Code § 46-409 (Effective Date 07/01/2016).

B. Income Tax Reporting

The new law makes the following changes to the state income withholding tax:

- The new law changes the due date of a typical withholding tax return from the last day of the second month following the end of the applicable period to the last date of the first month following the end of the period.
- It also adds that the due date for electronic withholding returns shall provide a five-business-day period for an employer to correct errors in the electronic file received by the due date.

Idaho Code § 63-3035 (Effective Date 07/01/2016).