Executive Department
State of Idaho

State Capitol
Boise

EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE

EXECUTIVE ORDER NO. 2020-12

RELATED TO RETURN TO WORK BONUSES

WHEREAS, the health and safety of all Idahoans is the greatest priority of our state and its leaders; and

WHEREAS, Idaho is committed to being prepared and protecting Idahoans from the 2019 novel coronavirus (COVID-19); and

WHEREAS, the Centers for Disease Control and Prevention has labeled COVID-19 a pandemic that poses a serious public health threat, and the Secretary of Health and Human Services has declared a public health emergency for the entire United States to aid the nation in responding to COVID-19; and

WHEREAS, on March 13, 2020, when the first case of COVID-19 was confirmed in Idaho, I issued a proclamation declaring a state of emergency in the State of Idaho pursuant to Chapter 10, Title 46, Idaho Code, due to the occurrence and imminent threat to public health and safety arising from the effects of COVID-19; and

WHEREAS, on March 13, 2020, President Trump declared a national emergency due to the outbreak of COVID-19 in the United States, and on April 9, 2020, President Trump declared a major disaster in the State of Idaho, allowing for additional federal assistance to aid in recovery efforts related to COVID-19; and

WHEREAS, on March 27, 2020, Congress passed and President Trump signed the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), P.L. 116-136, which provided the State of Idaho with $1.25 billion through the Coronavirus Relief Fund for qualifying expenses; and

WHEREAS, on April 30, 2020, the Board of Examiners approved, pursuant to Section 67-3516(2), non-cognizable spending authority for the Governor's Office in fund 0345 for the $1.25 billion in funds provided to Idaho by the CARES Act for the time period of March 1, 2020 through December 30, 2020; and

WHEREAS, on June 11, 2020, I declared an emergency pursuant to Section 46-1008, Idaho Code, due to the occurrence and imminent threat to public health and safety arising from the effects of COVID-19; and

WHEREAS, the COVID-19 pandemic has resulted in a significant slowdown in the American and Idaho economies and has caused a significant increase in unemployment in Idaho; and

WHEREAS, Congress has authorized significant increases in the amount of unemployment benefits available to those who are currently out of work. Those enhanced federal unemployment benefits add up to an additional $600 per week; and

WHEREAS, recent studies have found that as many as two-thirds of those receiving enhanced unemployment benefits are making more than they did prior to the COVID-19 pandemic; and

WHEREAS, these enhanced federal unemployment benefits are due to expire on July 31, 2020, emphasizing the need to help unemployed Idahoans return to work before then; and

WHEREAS, it is crucial to Idaho's response to and recovery from the impacts of the COVID-19 pandemic that Idahoans return to work as soon as possible and that Idaho employers have the

workforce needed to rebound from the economic downturn caused by the COVID-19 pandemic; and

WHEREAS, Idaho employers report trouble getting employees to return to work for various reasons; and

WHEREAS, meaningful work not only provides financial support to Idahoans and Idaho family, it provides useful on-the-job training and experience, and strengths one's spirit, self-worth, and contribution to this great state's success; and

WHEREAS, the measure of a welfare program's success should always be based on how many people leave the welfare program, not by how many are added; and

WHEREAS, the Workforce Development Council serves as the state's coordinating body on matters related to workforce development policy and programs and its structure, duties and functions of the council are prescribed by the Governor, pursuant to Section 72-1201, Idaho Code; and

WHEREAS, Executive Order 2019-08 sets up the structure of the Workforce Development Council and assigns it various duties; and

WHEREAS, the Idaho State Tax Commission has the resources and expertise to administer a grant program; and

WHEREAS, the Governor may suspend the provisions of any regulations that would in any way prevent, hinder, or delay necessary action in coping with the emergency, pursuant to Section 46-1008(5)(a), Idaho Code; and

WHEREAS, the Governor is authorized to utilize all resources of the state, including, but not limited to, those sums in the disaster emergency account as he shall deem necessary to pay obligations and expenses incurred during a declared state of disaster emergency, pursuant to Section 46-1008(5)(b), Idaho Code; and

WHEREAS, the Governor is authorized to transfer the functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency services, pursuant to Section 46-1008(5)(c), Idaho Code; and

WHEREAS, the Coronavirus Financial Advisory Committee (CFAC) convened on June 17, 2020, and determined that, in its judgment, expenditures for the Return-to-Work bonus program met the U.S. Treasury guidance for state, territorial, and tribal governments on the proper uses of the Coronavirus Relief Fund and found this use to be necessary to provide economic support to aid in Idaho's recovery from the COVID-19 pandemic;

WHEREAS, I agree with the conclusions of CFAC and find that the Idaho Return-to-Work bonus program is necessary to Idaho's response to and recovery from the COVID-19 pandemic;

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution of the United States, the Constitution of the State of Idaho, and by Section 46-1008 of the Idaho Code do hereby order:

1. *The creation of the Idaho Return-to-Work bonus program using up to $100 million from the Coronavirus Relief Fund. The total amount for this program will be drawn from the remainder of the $300 million set aside from the Coronavirus Relief Fund for the Idaho Rebound Bonus Program.*

2. *Idaho Return-to-Work bonuses of up to $1,500 shall be made available to Idaho workers who return to work on or before July 1, 2020.*

3. *The Return-to-Work bonus program is part of the functions of the Idaho Workforce Development Council, which has reviewed and finalized the program and set the criteria for eligibility for the bonuses at its June 11, 2020 public meeting, including:*

    a. *The worker has filed for unemployment benefits during the coronavirus pandemics, starting on or after March 1, 2020;*
    b. *The worker has started work for a non-governmental employer no later than July 1, 2020;*
    c. *The worker makes $75,000 or less annually;*
    d. *The worker meets the part-time (20 hours) or full-time (30 hours) hour thresholds in the four weeks immediately following the return to work;*

e. *The position for which the worker returned to work is intended to be an ongoing position beyond the four-week time period; and*
f. *The worker has not previously received a return to work bonus.*

4. *Additional eligibility criteria may be established by the Workforce Development Council, Coronavirus Financial Advisory Committee, and the Tax Commission as may be necessary to appropriately implement this program.*

5. *The Idaho State Tax Commission shall administer the Idaho Return-to-Work bonus program and distribute the funds in account 0345, pursuant to Sections 46-1008(5), 72-1201, and 67-3516(2), Idaho Code.*
   a. *The Idaho State Tax Commission will process the applications from employers, ensure compliance with the criteria, and will distribute payments to the worker;*
   b. *All employer applicants shall establish a secure Taxpayer Access Point (TAP) account to protect their personal and business information on submitted applications;*
   c. *Employers must input information on the employees for whom they are seeking a return to work bonus in order to utilize the existing relationship between the employer and the Tax Commission; and*
   d. *In the instance in which more applications are received than resources are available, the Tax Commission shall award the bonuses based the date the worker returned to work with those returning the earliest given priority.*

6. *The name and city or county of residence of each bonus recipient shall be reported on the Transparent Idaho website.*

7. *That this proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the State of Idaho, its departments, agencies, or entities, its officers, employees, or agents, or any other person.*

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 17th day of June in the year of our Lord two thousand and twenty.

BRAD LITTLE
GOVERNOR

LAWERENCE DENNEY
SECRETARY OF STATE