

TRANSMITTAL # **3**

MEMORANDUM

September 10, 2008

TO: Workforce Development Council

FROM: Roger B. Madsen, Director *Roger B. Madsen*

SUBJECT: Request for use of the Special Administration Fund

ACTION REQUESTED: Approval of the attached request for expending amounts from the Special Administration Fund

BACKGROUND:

The Department of Labor requests permission to expend amounts in the Special Administration Fund to assist the Department of Labor in carrying out its mission. Beginning July 1, 2008, the funds would be used for administration of Idaho's Employment Service, Unemployment Insurance, Workforce Investment Act and related activities. This memorandum represents that request for the next two years.

The following information is attached:

- An excerpt from the section of Idaho Code that mandates this request.
- The request form for the next two years. This form must be signed by the chair of the Workforce Development Council and kept on file at the Idaho Department of Labor to authorize expenditures from the Special Administration Fund.
- The department's most recent report to the Joint Finance-Appropriations Committee of the Idaho Legislature. The last page of this report describes how amounts from the Special Administration Fund have been spent since its inception in 1991. The three largest categories of expenditures involve covering federal funding reductions, automation and facility upgrades. Automation and facility upgrades were primarily related to building the IdahoWorks information system and the IdahoWorks Career Centers.

Contact: Primary: Joni Booth (208) 332-3570 ext 3165
Secondary: John McAllister (208) 332-3570 ext 3101

Attachments

IDAHO CODE

72-1347A. Employment security reserve fund – Special administration fund. (1) There is established in the state treasury a special trust fund, separate and apart from all other public funds of this state, to be known as the employment security reserve fund, hereinafter "reserve fund." Except as provided herein, all proceeds from the reserve tax defined in subsection (2) of this section shall be paid into the reserve fund. The moneys in the reserve fund may be used by the director for loans to the employment security fund, section 72-1346, Idaho Code, as security for loans from the federal unemployment insurance trust fund, and for the repayment of any interest bearing advances, including interest, made under title XII of the social security act, 42 USC 1321 through 1324, and shall be available to the director for expenditure in accordance with the provisions of this section. The state treasurer shall be the custodian of the reserve fund and shall invest said moneys in accordance with law. The state treasurer shall disburse the moneys from the reserve fund in accordance with the directions of the director.

(2) A reserve tax is imposed on all covered employers required to pay contributions pursuant to section 72-1350, Idaho Code. The reserve tax shall be due and payable at the same time and in the same manner as contributions. If the reserve fund is less than one percent (1%) of state taxable wages in the penultimate year as of September 30 of the preceding calendar year, the reserve tax rate for all eligible, standard-rated and deficit employers shall be equal to the taxable wage rate then in effect less the assigned contribution rate and training tax rate. The provisions of this chapter which apply to the payment and collection of contributions also apply to the payment and collection of the reserve tax, including the same calculations, assessments, method of payment, penalties, interest, costs, liens, injunctive relief, collection procedures and refund procedures. In the administration of the provisions of this section and the collection of the reserve tax, the director is granted all rights, authority, and prerogatives granted the director under the provisions of this chapter. Moneys collected from an employer delinquent in paying contributions and reserve taxes shall first be applied to pay any penalty and interest imposed pursuant to the provisions of this chapter and shall then be applied pro rata to pay delinquent contributions to the employment security fund, section 72-1346, Idaho Code, and delinquent reserve taxes to the reserve fund pursuant to this section. Any interest and penalties collected pursuant to this subsection shall be paid into the state employment security administrative and reimbursement fund, section 72-1348, Idaho Code, and any interest or penalties refunded under this subsection shall be paid out of that same fund. Reserve taxes paid pursuant to this subsection may not be deducted in whole or in part by any employer from the wages of individuals in its employ. All reserve taxes collected pursuant to this subsection shall be deposited in the clearing account of the employment security fund, section 72-1346, Idaho Code, for clearance only and shall not become part of such fund. After clearance, the moneys shall be deposited in the reserve fund established in subsection (1) of this section. No reserve tax shall be imposed for any calendar year if, as of September 30 of the preceding calendar year, the balance of the reserve fund equals or exceeds one percent (1%) of the state taxable wages for the penultimate calendar year, or exceeds forty-nine percent (49%) of the actual balance of the employment security fund, section 72-1346, Idaho Code.

(3) The interest earned from investment of the reserve fund shall be deposited in a fund established in the state treasurer's office, to be known as the department of labor special administration fund, hereinafter "special administration fund." The moneys in the special administration fund shall be held separate and apart from all other public funds of this state. The state treasurer shall be the custodian of this fund and may invest said moneys in accordance with law. Any interest earned on said moneys shall be deposited in the special administration fund. **In the absence of a specific appropriation, the moneys in the special administration fund are perpetually appropriated to the director and may be expended with the approval of the advisory council appointed pursuant to section 72-1336, Idaho Code, for costs related to employment service programs and unemployment insurance programs administered under this chapter.** The director shall report annually to the joint finance-appropriations committee and the advisory council the expenditures and disbursements made from the fund during the preceding fiscal year, and the expenditures and disbursements and commitments made during the current fiscal year to date.

(4) Administrative costs related to the reserve fund and the special administration fund shall be paid from federal administrative grants received under title III of the social security act, to the extent permitted by federal law, and then from the special administration fund.

IDAHO DEPARTMENT OF LABOR
Workforce Development Council
Administrative Tax Spending Request
PROGRAM YEARS 2008 and 2009/FISCAL YEARS 2009 and 2010
September 2008

Beginning in 1995, the department asked the Employment Security Advisory Council for authority to spend Unemployment Insurance Reserve Fund interest earnings for specific purposes, with exact amounts to be determined later by the department. Prior to 1995, the department based its request to the Advisory Council on an estimate of what was needed to accomplish specific objectives. Uncertainty relating to federal funding levels made the pre-1995 approach impossible. Since federal funding is still unreliable and unpredictable, the department would like to continue the 1995 practice. As required in 72-1347A(c) of the Idaho Code, the Idaho department of Labor requests approval from the Workforce Development Council to spend Reserve Fund interest earnings, also referred to as the Special Administration Fund, for the following purposes:

1. **FEDERAL FUNDING REDUCTIONS/ENHANCE THE DEPARTMENT'S ABILITY TO PROVIDE WORKFORCE SERVICES:** Due to federal funding reductions in Employment Services, Unemployment Insurance, and related programs such as Career Information Systems and Alien Labor Certification, maintaining the current service structure of 25 local offices requires supplemental funding. Federal funding reductions can include failure of federal grants to increase sufficiently to cover general inflation, or a reduction in grant funds. For example, the department has experienced several instances where the legislature enacted pay increases and the federal government did not fund them in its grants.
2. **AUTOMATION:** To invest in the equipment, development or purchase of software, training and related items needed to continually modernize department automated systems to make the department more efficient and effective. This includes efforts such as construction of the Idaho Works System and its various components including the Workforce Investment Information System and the Labor Market Information/Career Information Systems; enhancement of the department's Internet offering and maintenance and enhancement of the unemployment insurance benefits and tax systems. Included in this category is funding for department staff as well as for private sector contractors to provide support on department PC's, LAN's, and mainframe.
3. **FACILITIES:** To cover the cost of remodeling owned facilities or purchasing new facilities for Department of Labor operations around the state. These facility enhancements are partially funded by Idaho's Permanent Building Fund and are dedicated primarily to establishing or enhancing Idaho Works Career Centers. These facility enhancement efforts have resulted in greater premises costs to the department. The department needs to use Reserve Fund interest earnings to augment federal grants because of increased premises costs and because some costs such as those for construction are not allowable charges to federal grants.
4. **WORKFORCE INVESTMENT ACT:** To supplement federal funding in the department's operation of the Workforce Investment Act of 1998.
5. **WORKFORCE DEVELOPMENT COUNCIL COSTS:** To cover the Department of Labor's share of any operating costs of the Workforce Development Council.

Annually, the department reports actual use of the Special Administration Fund to both the Workforce Development Council and to the Joint Finance and Appropriations Committee of the Idaho Legislature. A copy of the most recent report to the Legislature is attached. This request for authority to expend monies from the Special Administration Fund was reviewed by the Workforce Development Council and is hereby approved.

Chair, Workforce Development Council

DATE

MEMORANDUM

To: Senator Dean L. Cameron, Co-Chair, JFAC
Representative Maxine T. Bell, Co-Chair, JFAC
Senator John C. Andreason, Chair, Commerce and Human Resources
Representative Robert E. Schaefer, Chair, Commerce and Human Resources

Cc: Governor C.L. "Butch" Otter
Clete Edmunson
Cathy Holland-Smith, LSO

From: Roger B. Madsen, Director

Date: May 22, 2008

Re: Special Administration Fund - 2007 Annual Report

Attached for your review is the annual report of 2007 income and expenditures from the department's Special Administration Fund. The legislation creating this fund was passed by the Idaho Legislature in 1991 to help the department cope with a decade of federal funding reductions. Under present federal and state law, state unemployment insurance taxes paid by Idaho employers flow into a trust fund in Washington, D.C. The Special Administration Fund legislation provides that 17 percent of those contributions will remain in Idaho and be invested by the State Treasurer.

The funds kept in the state by the 17 percent diversion are used for the same purpose as the Washington, D.C., trust fund, that is, to pay unemployment benefits. This state-held fund is commonly referred to as the Reserve Fund since it is held in reserve to pay benefits should the Washington, D.C., trust fund be exhausted. However, the interest earned on these diverted funds is deposited in the Special Administration Fund and is used for administering department programs.

There is a ceiling on the amount that can accumulate in the Reserve Fund. The 17 percent diversion will only occur in years when the balance in the fund is less than 1 percent of state taxable wages under Idaho's unemployment insurance law. Except for calendar year 2006, as reflected in Idaho Code 72-1347A, the Reserve Fund cannot exceed 49 percent of the balance in the Washington, D.C., trust fund.

Expenditures from the Special Administration Fund are approved in advance by Idaho's Workforce Development Council, and they are summarized in the attached annual report. If you have any questions, or need additional information, please contact me at 332-3570 ext. 6110 or Bob Fick at 332-3570 ext. 3628. Your continued support, by way of this Special Administration Fund, is critically needed and very much appreciated.

**Idaho Department of Labor
Special Administration Fund
2007 ANNUAL REPORT**
Prepared May 22, 2008

Legislation establishing the Employment Security Reserve Fund and the Employment Security Special Administration Fund calls for an annual report to be provided to the Legislature outlining expenditures and disbursements from the Special Administration Fund during the preceding year. This legislation restricts the director of the Idaho Department of Labor to use these funds solely for costs related to programs administered by the department.

The attached financial report, "Department of Labor - Employment Security Reserve Fund Information," provides a summary of the Special Administration Fund receipts and expenditures since its inception in 1991. The following highlights are provided to assist you in interpreting this financial information:

17% Diversion - The Idaho Employment Security Law provides for two Reserve Fund diversion triggers. The first provision triggers on the 17 percent diversion until the Reserve Fund reaches 1 percent of total wages covered by the unemployment insurance program, and triggers off when the Fund exceeds 1 percent. The second provision triggers off the 17 percent diversion when the balance in the Reserve Fund exceeds 49 percent of the balance in the Employment Security Fund. Below is a history of these diversion triggers:

1991 ~ on	1994 ~ on	1997 ~ off	2000 ~ off	2003 ~ off	2006 ~ on
1992 ~ on	1995 ~ off	1998 ~ on	2001 ~ on	2004 ~ off	2007 ~ off
1993 ~ on	1996 ~ off	1999 ~ off	2002 ~ off	2005 ~ off	

The Reserve Fund diversion triggered off in 2002 and stayed off in 2003 and 2004 as the Reserve Fund exceeded 1 percent of total covered wages. The trigger stayed off in 2005 as the Reserve Fund exceeded 49 percent of the Employment Security Fund. The trigger was on for 2006 because an amendment to the law did not preclude it even though the balance of the reserve fund exceeded 49 percent of the actual balance of the Employment Security Fund. The trigger was off for 2007 because the Reserve Fund balance exceeded 1 percent of total covered wages.

Interest Earnings/Fund Balance - Interest earned on the Reserve Fund in 2007 totaled \$5.55 million, up \$1,045,067 from the previous year's earnings. The Reserve Fund totaled \$114.6 million at the end of 2007, up \$5.58 million from the previous year-end balance.

Expenditures - Total 2007 expenditures from the Special Administration Fund, at \$782,297, were \$4.77 million less than 2007 income and \$3.99 million less than 2006 expenditures. This year's expenditures were in accordance with those authorized by the Workforce Development Council as follows:

- 1. Federal Funding Reductions** – Special Administration Fund resources are used to cover federal funding reductions in the Employment Service and Unemployment Insurance programs. These expenditures help the department maintain the current quality and level of services delivered through our 24 local offices. Due to the state's appropriation of Reed Act funds, no Special

Administration Fund resources were used for this category and a portion of last year's subsidy (\$74,536) was repaid to the fund.

2. **Automation** - Investments were made in equipment, software and training to continually modernize the department's automated systems to make the department more efficient and effective. A total of \$592,032 was invested in enhancing the department's automation capabilities.
3. **Facilities** – A total of \$6,279 was used for facilities in 2007.
4. **Workforce Investment Act Implementation** – In 2007, the Special Administration Fund was not used to supplement federal funding in the department's operation of the Workforce Investment Act of 1998.
5. **Workforce Development Council Costs** - Financial support was provided for the department's share of the operating costs for the Governor's Workforce Development Council, which coordinates Idaho's work force development system. A total of \$8,787 was used to pay for travel, meeting expenses and related costs of the council.
6. **Commerce Division** – Commerce Division indirect costs for the year totaled \$249,736.

Special Administration Fund Expenditure Strategies for 2008

The Workforce Development Council approved the following expenditure strategies for fiscal years 2008 and 2009:

1. **Federal Funding Reductions** - To cover federal funding reductions in Employment Service, Unemployment Insurance and related programs. The primary goal of this strategy is to maintain the current service delivery structure of 25 local offices. These reductions can include failure of federal grants to increase sufficiently to cover general inflation. For example, the department has experienced several instances where the Idaho Legislature enacted pay increases to state employees and the federal government did not fund them in its grants.
2. **Automation** - To invest in the equipment, development or purchase of the software, training and related items needed to continually modernize department automated systems to make the department more efficient and effective. This includes construction of the *IdahoWorks* system and its various components including the Workforce Investment Information System and the Labor Market Information/Career Information Systems; enhancement of the department's Internet offerings and enhancement of the Unemployment Insurance benefits and tax systems. Included in this category is funding for department staff as well as private sector contractors to provide support on department PCs, LANs and mainframe.
3. **Facilities** - To cover the cost of remodeling owned facilities or purchasing new facilities for Department of Labor operations around the state. These facility enhancements are partially funded by Idaho's Permanent Building Fund and are dedicated primarily to establishing or enhancing *IdahoWorks* Career Centers. These facility enhancements have resulted in greater premises costs to the department. The department needs to use Reserve Fund interest earnings to augment federal grants because of increased premises costs and because some costs such as those for construction are not allowable charges to federal grants.

4. **Workforce Investment Act** - To supplement federal funding in the department's operation of the Workforce Investment Act of 1998.
5. **Workforce Development Council Costs** - To cover the Department of Labor's share of any operating costs of the Workforce Development Council.

The support of the Idaho Legislature in authorizing this fund is very much appreciated as these resources have allowed the department to upgrade its services to Idaho's citizens.

05/22/2008

Roger B. Madsen, Director
Idaho Department of Commerce and Labor

Date Submitted

DEPARTMENT OF LABOR
Employment Security Reserve Fund Information

	JANUARY 1991 TO DECEMBER 2002	JANUARY 2003 TO DECEMBER 2003	JANUARY 2004 TO DECEMBER 2004	JANUARY 2005 TO DECEMBER 2005	JANUARY 2006 TO DECEMBER 2006	JANUARY 2007 TO DECEMBER 2007	JANUARY 1991 TO DECEMBER 2007
20% Diversion of Trust Fund Contributions							
Beginning Balance	\$ -	\$ 86,658,799.89	\$ 86,708,353.62	\$ 86,720,778.64	\$ 86,729,655.25	\$ 109,018,824.91	\$ -
Diversions - As Received	\$ 86,658,799.89	\$ 49,553.73	\$ 12,425.02	\$ 8,876.61	\$ 22,289,169.66	\$ 5,581,790.61	\$ 114,600,615.52
Total Diversions	\$ 86,658,799.89	\$ 86,708,353.62	\$ 86,720,778.64	\$ 86,729,655.25	\$ 109,018,824.91	\$ 114,600,615.52	\$ 114,600,615.52
These dollars remain in an in-state trust fund to be used only for benefit purposes							
Earnings							
Beginning Balance	\$ -	\$ 6,171,654.46	\$ 9,216,376.44	\$ 8,124,515.51	\$ 5,383,570.95	\$ 5,118,523.31	\$ -
Interest Earnings to IDCL Administrative Fund	\$ 36,815,359.60	\$ 4,547,804.58	\$ 4,028,786.95	\$ 4,885,934.40	\$ 4,506,212.80	\$ 5,551,280.28	\$ 60,335,378.61
IDCL Expenditures	\$ 30,643,705.14	\$ 1,503,082.60	\$ 5,120,647.88	\$ 7,626,878.96	\$ 4,771,260.44	\$ 782,296.80	\$ 50,447,871.82
Balance in Administrative Fund	\$ 6,171,654.46	\$ 9,216,376.44	\$ 8,124,515.51	\$ 5,383,570.95	\$ 5,118,523.31	\$ 9,887,506.79	\$ 9,887,506.79
Expenditures By Type							
Personal Services	\$ 1,469,602.26	\$ 105,786.81	\$ 112,068.79	\$ 120,845.99	\$ 132,094.17	\$ 161,040.74	\$ 2,101,438.76
Personnel Benefits	\$ 407,450.91	\$ 33,332.08	\$ 37,925.00	\$ 42,856.76	\$ 45,079.83	\$ 57,482.11	\$ 624,126.69
Total Personnel Costs	\$ 1,877,053.17	\$ 139,118.89	\$ 149,993.79	\$ 163,702.75	\$ 177,174.00	\$ 218,522.85	\$ 2,725,565.45
Supplies	\$ 90,856.97	\$ 20,935.00	\$ 4,094.00	\$ 17,878.11	\$ 2,596.11	\$ 2,728.02	\$ 139,088.21
Communication	\$ 62,050.92	\$ 184,422.53	\$ 156,777.52	\$ 134,654.85	\$ 101,031.13	\$ 25,244.70	\$ 664,181.65
Travel	\$ 166,884.57	\$ 2,122.85	\$ 2,158.31	\$ 1,053.67	\$ 3,804.40	\$ 1,049.06	\$ 177,072.86
Equipment Rent	\$ 12,774.35	\$ 475.60	\$ 471.80	\$ 484.46	\$ 551.17	\$ 778.05	\$ 15,535.43
Equipment Expense	\$ 542,432.86	\$ 382,302.60	\$ 115,088.80	\$ 96,619.27	\$ 9,477.73	\$ 191.74	\$ 1,146,113.00
Premises Rent	\$ 944,063.83	\$ 3,301.22	\$ 149,925.73	\$ 16,037.65	\$ 20,671.71	\$ 10,046.38	\$ 1,144,046.52
Premises Expense	\$ 1,714,556.64	\$ 63,925.19	\$ 58,589.64	\$ 4,489.03	\$ 4,286.09	\$ 8,965.49	\$ 1,854,812.08
Services	\$ 675,160.62	\$ 245,531.73	\$ 280,067.12	\$ 359,857.87	\$ 289,177.50	\$ 434,646.24	\$ 2,284,441.08
Other	\$ 1,560,483.30	\$ 745.72	\$ 810.93	\$ 113,100.06	\$ 299,041.96	\$ 163,774.38	\$ 2,137,956.35
Total NPS Costs	\$ 5,769,264.33	\$ 903,762.44	\$ 767,983.85	\$ 744,174.97	\$ 730,637.80	\$ 647,424.06	\$ 9,563,247.45
Capital Equipment	\$ 3,182,452.07	\$ 285,371.14	\$ 58,325.37	\$ 39,818.23	\$ 12,000.00	\$ 107,558.92	\$ 3,685,525.73
*Adjustments	\$ 19,814,935.57	\$ 174,830.13	\$ 4,144,344.87	\$ 6,679,183.01	\$ 3,851,448.64	\$ (191,209.03)	\$ 34,473,533.19
Grand Total Costs	\$ 30,643,705.14	\$ 1,503,082.60	\$ 5,120,647.88	\$ 7,626,878.96	\$ 4,771,260.44	\$ 782,296.80	\$ 50,447,871.82
*ES Subsidy, UI Subsidy, UI Banking Costs, Gov't Overhead, transfers to federal grants and the Workforce Development Fund							
Expenditures By Project							
Federal Funding Reductions	\$ 13,339,058.93	\$ (28,059.73)	\$ 3,949,569.44	\$ 6,158,450.81	\$ 4,072,009.58	\$ (74,535.82)	\$ 27,416,493.21
Idaho Works Career Center	\$ 1,560,662.52						\$ 1,560,662.52
Facilities	\$ 2,503,402.61	\$ 63,584.65	\$ 215,302.31	\$ 15,333.10	\$ 14,675.58	\$ 6,278.76	\$ 2,818,577.01
Automation	\$ 10,039,382.66	\$ 1,141,479.75	\$ 887,348.11	\$ 1,075,646.37	\$ 323,479.06	\$ 592,031.57	\$ 14,059,367.52
Miscellaneous Pre-1995	\$ 380,172.17						\$ 380,172.17
Workforce Development Council	\$ 200,643.89	\$ 9,861.86	\$ 7,662.80	\$ 7,637.61	\$ 6,047.33	\$ 8,786.51	\$ 240,640.00
Transfer to Workforce Development Fund	\$ 1,600,000.00						\$ 1,600,000.00
Commerce/Gov off				\$ 102,053.84	\$ 336,527.00	\$ 249,735.78	\$ 688,316.62
Workforce Investment Act	\$ 1,020,382.36	\$ 316,216.07	\$ 60,765.22	\$ 267,757.23	\$ 18,521.89	\$ -	\$ 1,683,642.77
Grand Total	\$ 30,643,705.14	\$ 1,503,082.60	\$ 5,120,647.88	\$ 7,626,878.96	\$ 4,771,260.44	\$ 782,296.80	\$ 50,447,871.82

This report is accrual basis and thus contains accrued revenues and expenditures. For management purposes, accrual basis reporting is superior to cash basis.

As a result, this report will not agree with cash basis reports produced by the State Controller's Office.

Prepared 5-14-2008