

IDAHO PEACE OFFICER STANDARDS & TRAINING PROCEDURE

12.14 OFFICER TWO-YEAR AGREEMENTS

A. General

Idaho Code [§19-5112](#) authorizes the POST Council (council) to execute an agreement with peace officers enrolled in schools or programs authorized by I.C. [§19-5109](#), whereby the officer promises to remain within the law enforcement profession (IDAPA [11.11.01.010.31](#)) in Idaho, on a full-time basis, in a position approved by the council for 2 years following graduation. Officers failing to maintain the required employment must repay their educational loan to the council for the full amount of money set forth in the agreement.

Officers eligible for a part-time basic certificate are subject to the same terms of agreement.

The dollar amount of the agreement is based on the actual cost per student of basic academy attendance and is approved by the council. Agreement amounts are updated periodically and approved by the council.

B. Definitions

“Academy assistant” (AA) means the technical records specialist assigned to each academy.

“Correspondence” means all communications, to include emails, letters, forms, memos, notes of telephone conversations, and any other type of communication regarding the agreement, to or from POST, the officer, or any representative of the officer.

“FS” means the POST Financial Specialist.

“Payment plan” means an agreement between POST and any officer owing on a two-year agreement, whereby the officer promises to make regular monthly payments of a mutually agreed upon amount until the obligation is paid in full.

“Third party collection action” means all efforts by the third-party collection agency to collect debts on behalf of POST.

“Third party collection agency” means an independent professional debt collection entity contracted by POST to pursue collection of delinquent two-year agreement debts.

“TRS1” means the POST technical records specialist.

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C. Agreement Process

1. Two Year Agreement templates are reviewed annually by the ISP Deputy Attorney General's office.
2. POST staff ensure that each officer attending a patrol, detention, emergency communications, adult correction, or felony probation and parole basic academy signs an EHF 12 14-01 POST Two Year Agreement on the first day of the academy.
3. The agreement contains the terms of the agreement with the amount due if the officer fails to complete the required 2 years of approved law enforcement employment:
 - a. the AA notarizes the agreement; and
 - b. POST staff scans the agreement into the officer's file.

D. Notice of Separation

1. POST receives a Notice of Separation/Change in Status form from a law enforcement agency when an officer leaves employment with that agency.
2. The technical records specialist 1 (TRS1) processes the notice of separation by:
 - a. scanning it into the officer's file
 - b. verifying the officer's graduation date from the basic academy; and
 - c. calculating the time of employment from graduation date to separation date.
3. If the time of employment from graduation date to separation date is less than the 2 years full-time (or 4,160 hours of service creditable to retirement eligibility), the repayment portion of the agreement is invoked. The TRS1 then:
 - a. notes the academy name and number, and the graduation date on the notice of separation; and
 - b. prints the notice of separation and forwards to the FS.

E. Determination of Amount Owed

1. If the officer was employed less than 12 months full-time (or 2,080 hours of service creditable to retirement eligibility), the full amount of the agreement is due.
2. If the officer was employed for more than 12 months but less than 24 months, the amount owed on the agreement is reduced proportionately for each month after graduation the officer was employed.

F. Billing for Two Year Agreements

1. 90 days after the employment separation date the FS:
 - a. verifies the individual has not gained employment in a qualified position;
 - b. creates a 2-year agreement file and retains a copy of the notice of separation in it;
 - c. creates a customer account in the accounting system and generates the invoice;
 - d. makes a note in the officer's file documenting the academy type and session number;
 - e. maintains a file copy of all correspondence with the officer or any representative of the officer;

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- f. forwards all correspondence to the TRS1 to scan into the officer's file; after scanning the TRS1 returns file to FS.
2. The FS mails 2 copies of the EHF 12 14-02 Initial Letter of Notification, with a copy of the agreement and the invoice to the officer, one by certified mail and one by regular mail.

G. Payment in Full

1. When the officer responds with payment in full, the TRS1 records the payment in the accounting system and gives payment information to the FS.
2. The FS mails an EHF 12 14-03 Zero Balance – Paid in Full letter to the officer acknowledging receipt of the payment and closure of the account.
3. The FS updates the two-year spreadsheet, makes a note in Academy Integration, and updates the customer to “Inactive” in the accounting system.

H. Waiver Requests

1. When a waiver request is received by POST, collection efforts are temporarily suspended until the waiver decision-making process is completed.
2. Waiver requests are handled by administrative review and recommendation, hearing, and council approval process.
3. When a recommended order is made, an officer has 14 days from the service date of the order to petition for a reconsideration of the order. This would result in the case going before the POST Hearing Board again for reconsideration.
 - a. When a waiver request is approved by the council:
 - i. the Management Assistant (MA) sends an email to the Financial Specialist (FS), stating the officer's name and amount waived.
 - ii. The FS credits the officer's account for the amount waived.
 - iii. The FS prints a customer statement to mail to the officer along with a completed EHF 12 14-04 Zero Balance –Waived Statement letter.
 - iv. The FS updates the two-year spreadsheet, makes a note in Academy Integration, and updates the customer to “Inactive” in the accounting system.
 - b. When a waiver request is denied by the council, the collection process resumes:
 - i. The FS mails the EHF 12 14-05 Reinstatement after PC Denial letter to the officer, with a copy of the current statement of account by both certified and regular mail; and
 - ii. Collection efforts begin again at section G. Payment in Full or I. Negotiating Repayment Agreements, as appropriate.
 - iii. If the debtor appeals to the court after exhausting all waiver requests to the POST Council, POST can continue with collection efforts, as there is no automatic stay on the debt. When and if a stay order is issued by the court, POST will put the account on hold until POST receives the final outcome of the case.

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I. Negotiating Repayment Agreements

1. When an officer contacts POST to set up a payment plan, the FS negotiates the payment plan with the officer:
 - a. typically for the total amount owed, divided into 24 equal monthly payments;
 - b. the FS may negotiate a lower monthly amount to facilitate payment;
 - c. the minimum acceptable monthly payment is the greater of \$50 per month or the total amount due divided by 60 months. The minimum payment may be negotiated lower under extenuating circumstances.
2. The Business Operations Specialist must approve all repayment plans of less than \$50.00 per month.
3. The FS mails (by both certified and regular mail) or emails the officer an EHF 12 14-06a Monthly Payment Arrangement letter and a Monthly Repayment Agreement EHF 12 14-06b to sign and return.
4. The FS maintains documentation of all payment plans and notes them on the 2 YR Spreadsheet.

J. Officer Fails to Respond to Initial Contact

1. When an officer fails to respond to the initial contact within the 30 days, an EHF 12 14-07 30-Day Collection Referral letter is sent by both certified and regular mail.
2. If the officer then contacts the FS, the procedure begins again at section G. Payment in Full; or I. Negotiating Repayment Agreements, as appropriate.
3. When an officer fails to respond to the EHF 12 14-07 30-Day Collection Referral letter, the FS explores all information for alternate contact information. The OPR manager can often help locate this information:
 - a. if an alternate address is found, the procedure begins again at Section F. Billing for Two-Year Agreements, item 2; or
 - b. if no alternate address can be determined, the FS compiles a file for referral for third party collection action.

K. Refusal to Repay Two-Year Agreement Debt

1. When an officer responds with a refusal to make any payment and does not submit a waiver request, the FS compiles a file for referral to a third-party collection agency and mails to the officer a EHF 12 14-07 30-Day Collection Referral; and in the event the officer fails to respond,
2. The FS completes the referral action.

L. Officer Fails to Respond to All Contacts

1. When the officer fails to acknowledge a 2-year agreement debt within 3 years from the date of initial notification, the debt is considered past the statute of limitations for collection by POST:

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- a. accounts past the statute of limitations time frame are not referred to a collection agency;
 - b. collection efforts by POST cease.
2. The account remains open, the balance is not written off and if at any point the officer acknowledges the debt, the 3-year time period begins again and collection efforts resume.
 3. POST's 3-year statute of limitations does not apply to collection efforts by a third-party collection agency.

M. Payment Processing

1. The TRS1 records all payments in the accounting system.
2. The FS mails out statements on the first business day following the close of business on the 25th of each month.
3. When an account is paid in full, the TRS1 notifies the FS.
4. The FS mails the officer the appropriate zero balance letter.
5. When an officer fails to make a monthly payment, the FS sends by both certified and regular mail an EHF 12 14-07 30 Day Collection Referral letter, and collection efforts resume at item J.2. of this procedure;
6. The FS updates the Customer Minor Class and makes notes in the accounting system as necessary.

N. Return to Employment

1. If an officer owing an amount on a 2-year agreement debt returns to employment with an Idaho law enforcement agency in a qualifying position (defined in IDAPA 11.11.01.010.31), collection efforts may be placed on administrative hold, temporarily suspending repayment requirements.
2. If the debt was turned over to a third-party collection agency prior to the officer's return to employment, POST has no authority to suspend payment requirements or credit amounts owed for additional time worked.
3. If an account is eligible for an administrative hold:
 - a. All qualifying positions after graduation from a basic academy are included in determining months of service.
 - b. The FS verifies and updates employment status every six months.
 - c. If the 2-year obligation is met the FS credits the officer's account for the full remaining amount due and the FS mails the officer an EHF 12 14-08 Zero Balance Fulfilled letter.
 - d. If the officer separates employment without meeting the 2-year obligation, the FS re-calculates the months of service to determine any applicable reduction to the total owed as detailed in section E. Determination of amount owed. The FS then credits the officer's account for any earned reduction, reactivates the account, mails an EHF 12 14-09 Reinstatement letter to the officer, and resumes repayment process at the appropriate section of this procedure.

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O. Applications to Attend Basic Academies with a Balance Owed on a Two-Year Agreement

1. Admission to any POST basic academy session may be denied to any applicant who has an outstanding balance owed for a POST two-year agreement until the outstanding debt is settled.
2. The POST AA will contact the POST FS when an academy application is received for an officer with an open two-year agreement obligation.
3. The POST FS will send information regarding the amounts owed and payment history to the POST Business Operations Specialist, who will forward the information with a recommendation to the POST Administrator or designee.
4. The POST Administrator or designee has the authority to determine whether admission to an academy is denied and may:
 - a. Deny admission until outstanding debt is paid in full, or;
 - b. Place the account on a temporary hold until the agreement is satisfied through employment or the officer separates from employment again.
 - c. If the account has been turned over to a 3rd party collection agency prior to application to attend another academy, POST cannot place the account on hold or write off any amount subsequently satisfied through employment. POST may require a signed agreement between the debtor and the collection agency for repayment prior to admission to the academy.
5. The POST AA will inform the applicant's agency of the admission decision.
 - a. If payment in full is required prior to admission, the FS will notify the AA when payment is received.
 - b. If an administrative hold on the account is approved, the POST FS will resume the process in section N.3.
6. If the applicant is admitted to the academy they will be required to sign an additional two-year agreement for that academy. Employment in a qualifying position after graduation will count towards both agreements, but the balance on each agreement will become due and payable if the officer separates from employment.