

Approved: 3-11-94
Date

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS.

The meeting was called to order by Chairperson Marvin Smith at 9:00 a.m. on March 10, 1994 in Room 521-S of the Capitol.

All members were present except: Representative Lisa Benlon (E)
Representative Tom Bradley

Committee staff present: Carolyn Rampey, Legislative Research Department
Dennis Hodgins, Legislative Research Department
Arden Ensley, Revisor of Statutes
Nancy Kippes, Committee Secretary

Conferees appearing before the committee:

Senator Bill Wisdom
Brad Bryant, Secretary of State's Office
Elizabeth Ensley, Kansas County Clerks Association & Elections Committee
Brad E. Avery, Public Employees Service Organization
Paul K. Dickhoff, Jr., Kansas Association of Public Employees
Nancy M. Echols, Division of Personnel Services, Department of Administration

Others attending: See attached list

Hearing on:

SB 593 - elections; absentee voting for precinct committeemen and committeewomen.

Senator Bill Wisdom gave testimony in support of SB 593 but submitted a balloon amendment to provide blank lines for writing precinct committeemen and committeewomen names rather than having the names printed, which would mean each precinct would have to be printed separately. Therefore the amendment would cut costs (Attachment 1).

Brad Bryant, Secretary of State's Office, testified in regard to concerns they have about SB 593. One of the concerns, that of the cost of producing many more ballot forms, would be addressed by the amendment to have blank lines on the ballot. The other concern is that of privacy of the ballots of some absentee voters in sparsely-populated precincts (Attachment 2).

Written testimony from Elgia Stevenson, Johnson County Election Commissioner (Attachment 3), and Marilyn Chapman, Sedgwick County Election Commissioner (Attachment 4), was handed out, both noting their concerns for privacy.

Elizabeth Ensley, Kansas County Clerks Association and Shawnee County Election Commissioner, testified as to their concern for privacy of the vote. Their second concern of cost was addressed in the amendment above (Attachment 5).

SB 609 - state shared leave program, modification.

Brad Avery, Public Employees Service Organization, provided written testimony requesting that SB 609 be used as a vehicle for making needed changes in the shared leave program. There is a House Bill from two years ago, HB 2956, which has the following advantages over SB 609: 1) there is only one level of decision making involved in determining the advisability of sharing leave (it eliminates the review committee); 2) the standard required for leave sharing is broader than that of the regulation (it does not mandate "catastrophic" condition); and 3) there is an allowance for sharing of leave across agencies. Mr. Avery made another

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS, Room 521-S Statehouse, at 9:00 a.m. on March 10, 1994.

suggestion that would eliminate the required hours that must now stay in an individual's account (Attachment 6).

Paul Dickhoff, Kansas Association of Public Employees, testified regarding concerns about SB 609. He suggested that employees eligible for withdrawals from the shared leave program must first be contributors, must possess a level of accumulated sick leave at time of contribution, decision to participate would be an annual option, time contributed would not be retrievable, and approval of requests would be ruled upon by a committee comprised of elected pool participants (Attachment 7).

Nancy Echols, Division of Personnel Services, Department of Administration, provided testimony in opposition to SB 609 (Attachment 8). She stated her concern of a majority vote to approve or deny shared leave requests rather than consensus vote, which ensures an impartial and objective decision. They do not believe the shared leave program was intended for minor illnesses or injuries or as a short-term disability program.

Rep. Long made a motion to approve the minutes for the March 9, 1994 meeting as submitted. Rep. Cox seconded. The motion carried.

The meeting was adjourned at 10:00 a.m. The next meeting is scheduled for March 11, 1994.

GUEST LIST

COMMITTEE: House Governmental Organization & Elections DATE: 3-10-94

[illegible]

GUEST LIST

COMMITTEE: House Governmental Organization & Elections DATE: 3-10-94

[illegible]

STATE OF KANSAS



TOPEKA

SENATE CHAMBER

BILL WISDOM
SENATOR, SIXTH DISTRICT
1915 S. 29TH ST. CT.
KANSAS CITY, KANSAS 66106
(913) 831-3766
STATE CAPITOL BLDG., ROOM 523-S
TOPEKA, KANSAS 66612-1504
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COMMITTEE ASSIGNMENTS
RANKING MINORITY MEMBER:
ELECTIONS, REAPPORTIONMENT &
GOVERNMENTAL STANDARDS
MEMBER: AGRICULTURE
ASSESSMENT & TAXATION
ENERGY & NATURAL RESOURCES
JOINT COMMITTEE:
RULES & REGULATIONS
STATE BUILDING CONST.
APPOINTMENT:
SCIENCE & TECHNOLOGY COUNCIL

Honorable Marvin Smith

Chairman - Governmental Organization & Elections

Mr. Chairman - Members of the Committee

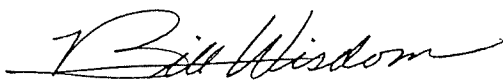
SB 593 is a simple bill that will allow for voters to vote for precinct committeeman and precinct committeewoman by absentee ballot. Under current law this is not possible.

As the bill is drafted there is opposition to the bill. However, I propose an amendment that I feel will negate the opposition.

Mr. Chairman, Mr. Arden Ensley, Revisor and Staff to this Committee will explain the amendment.

I will stand for questions.

Sincerely,


SENATOR BILL WISDOM

House Gov't Org & Elections

March 10, 1994

Attachment 1

25-1120. Absentee ballots and ballot envelopes; preparation; form. When the names to appear on ballots are definitely known and not later than 20 days prior to any primary, general or question submitted election each county election officer shall cause to be prepared such number of absentee ballots and ballot envelopes as in the election officer's judgment are necessary to carry out the requirements of this act. Such ballots shall contain the names and cities of residence of all persons who are candidates for all national, state, county, city, township and school offices, which names may be written, typewritten or printed. On the same line with each candidate's name shall be a square in the ordinary form, or parentheses in which the voter can place a cross or check mark. In the case of elections required by law to be conducted on a partisan basis, such ballot shall indicate the political party of each candidate.

The county election officer of any county may number such absentee ballots. If the county election officer of any county elects to prepare absentee ballots and ballot envelopes without identifying consecutive numbers, such officer shall prepare and distribute such ballots and envelopes in accordance with a plan approved by the secretary of state. If the county election officer elects to number such ballots, all absentee ballots shall be consecutively numbered, and the ballot envelope for each ballot shall bear the same number as the ballot. The ballot envelope shall also bear a declaration in substance as follows:

**THIS DECLARATION MUST BE
COMPLETED AND SIGNED**

"I _____ do hereby declare that I marked the enclosed ballot and that such ballot was enclosed and sealed in this envelope by me. My legal residence is in the _____ precinct, _____ township, (or, in the

other than precinct committeemen and committeewomen,

Ballots for elections at which precinct committeemen and committeewomen are elected shall contain blank lines for writing in names of candidates for each office to be elected.

, or the blank line in the case of precinct committeemen and committeewomen,

1-3

_____ precinct of the _____ ward,
_____ street in the city of _____),
in the county of _____, state of Kansas.
(Signed) _____."

The ballot envelope shall also contain a statement advising the voter that the signed envelope will be separated from the ballot to guarantee the confidentiality of the vote cast.

The ballot envelope to be used for voting by a former precinct resident shall also state the place of former residence of the voter and the date of removal therefrom to the voter's present residence.

History: L. 1967, ch. 208, § 7; L. 1972, ch. 134, § 2; L. 1973, ch. 154, § 1; L. 1978, ch. 137, § 8; L. 1978, ch. 140, § 2; L. 1983, ch. 124, § 1; L. 1990, ch. 123, § 1; L. 1992, ch. 45, § 1; L. 1993, ch. 287, § 5; July 1.



Bill Graves
Secretary of State

2nd Floor, State Capitol
Topeka, KS 66612-1594
(913) 296-2236

STATE OF KANSAS

House Committee on Governmental Organization and Elections

Testimony on SB 593

Brad Bryant, Deputy Assistant Secretary of State
Elections and Legislative Matters

March 10, 1994

Mr. Chairman and Members of the Committee:

The Secretary of State's office wishes to provide information for the Committee in its consideration of SB 593.

Our office is often in the position of balancing the interests of security and privacy of the vote against procedures to provide every voter the opportunity to vote on all issues and candidates to which he/she is entitled. Our office generally favors legislation to open up the voting process to segments of the electorate for whom voting is difficult. This bill, we understand, attempts to do that.

However, there are two points that should be brought to the Committee's attention:

1. It will be impossible to guarantee the privacy of the ballots of some absentee voters in sparsely-populated precincts. The law requires the reporting of election results by precinct, and it requires the county election officer to maintain a list of absentee voters for public inspection. Many small precincts have as few as one or two absentee ballots cast in a given election.

2. County election officers will have to produce many more ballot forms. In many counties there will be significant financial and administrative costs in doing so.

Thank you, and I will now stand for questions.

*House Gov't Org + Elections
March 10, 1994
Attachment 2*



Johnson County
Kansas

Elgia C. Stevenson
Election Commissioner

TO: House Committee on Governmental Organization and Elections
Representative Marvin Smith, Chair

FR: Elgia C. Stevenson *Elgia C. Stevenson*
Johnson County Election Commissioner

RE: SB 593 (absentee voting for committeepersons)

DT: March 10, 1994

During the Senate hearing on SB 593, my testimony centered on the following:

1. K.S.A. 25-3801 cites regulations governing precinct committeepersons and their eligibility for office or candidacy and subsequent election. After filing for such offices, it is obvious these individuals then become candidates with eligibility for access to the ballot.
2. Other statutes direct the election officer to place the names of all candidates on ballots of a given election.
3. As an election officer, the writer could be accused of non-compliance, if the names of these candidates did not appear on every ballot offered to qualified voters.
4. Using such logic, it appears omission of committeepersons from the absentee ballot is not possible under current statutes.

Although personal testimony is far more satisfactory (and fun!), at this time, I must depend on correspondence to convey my concerns. Thank you for your consideration of the above comments.

House Gov't Org. + Elections
March 10, 1994
Attachment 3



SEDGWICK COUNTY, KANSAS

Commissioner of Elections

Marilyn K. Chapman

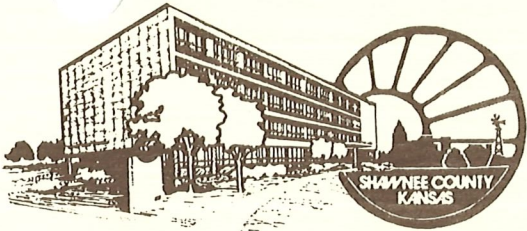
Historic Courthouse • 510 North Main • Wichita, Kansas 67203-3798 • Telephone (316) 383-7101 • Fax (316) 383-7388

TO: House Elections Committee
FROM: Marilyn Chapman
SUBJECT: SB 593
DATE: March 9, 1994

Following are some facts to think about when considering this bill:

1. Because of the possibility of small numbers of voters in a precinct, the secrecy of the ballot is in great jeopardy.
2. Sedgwick County had 57 ballot styles per party in 1992. Adding precinct committeemen and committeewomen to the absentee ballot would increase the number of ballot styles to 268 per party in 1994.
3. Absentee ballots for federal service voters must be mailed 45 days prior to the election, which is one week after the filing deadline.
4. The large number of styles and short time frame would increase printing costs dramatically. Cost of printing absentee ballots in Sedgwick County would increase from \$6,000 in 1992 to approximately \$20,000 in 1994.

*House Gov't Org. + Elections
March 10, 1994
Attachment 4*



Shawnee County Commissioner of Elections

Elizabeth Ensley
Election Commissioner
Norine Staab
Asst. Election Commissioner

911 S.W. 37th, Suite A
Topeka, Kansas 66611-2378
(913) 266-0285

DATE: March 10, 1994

TO: Governmental Organization and Elections Committee

FROM: Elizabeth Ensley, Co-Chair, Elections Committee
Kansas County Clerks Association

RE: SENATE BILL 593

The Kansas County Clerk's Association always appreciates the opportunity to be heard by the legislature in an effort to provide the smooth and efficient administration of elections. The County Clerks and Election Officials are of course always in favor of encouraging citizens to vote and would like everyone to be able to vote on all offices. However, we do have two concerns with Senate Bill 593.

First of all, the County Clerks are concerned with privacy of the vote. Even in the large counties, the identification of the precinct and party would, in many cases, be enough to identify the voter of the ballot.

Secondly, the feasibility of this legislation is troubling. It will be costly and difficult for the large and middle sized counties to carry out this procedure.

Mechanical voting machine counties have to use two different election systems. The machines are used at the polling place while paper ballots are used for absentee voting. They currently only have to produce enough paper ballots for each combination of offices. SB 593 would require a separate ballot for each precinct for each party. This will mean an increase of up to 500% in the number of styles of ballots which have to be printed, proofread and counted.

Optical Scan counties use a type of ballot which takes special printing. The difficulty is that it takes time to print the different styles of ballots. Most printers will turn out the few ballot styles needed for absentee voters first so absentee voting can proceed. Then they have until just before the election to complete the rest of the ballots. They may not be able to supply the Clerk with these ballots without delaying absentee voting.

The following could allow time for ballots to be prepared for absentee voting:

1. Instead of printing all of the precinct committee candidate's names, print a write-in line for each office and a line to be filled in by the election official to enter the appropriate Ward and Precinct or Township.

2. Or, move the filing deadline back to May 15th.

Thank you for your time and consideration.

*Household Org. + Elections
March 10, 1994
attachment 5*



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TESTIMONY BY BRAD E. AVERY
PUBLIC EMPLOYEES SERVICE ORGANIZATION
ON SB 609

Senate Bill 609 as it stands simply requires that decisions made by the leave share review committee established by K.A.R. 1-9-23 be made by a majority vote rather than by unanimous decision.

That is not why I requested time to address the committee. My true purpose is to request that it use SB 609 as a vehicle for making needed changes in the shared leave program. Two years ago, both the House and Senate passed HB 2956, which established the shared leave program, by wide margins. Unfortunately, 2956 was vetoed by the governor, an action which was overridden in the House but not the Senate.

The Department of Administration subsequently implemented a shared leave program through its regulations. Unfortunately, it established a program that is far narrower and bureaucratically burdened than is necessary to accomplish the relatively simple goal of allowing an employee who has excess leave time to share it with a sick or injured employee who needs it.

The program currently operates by requiring that an employee make application for use of shared leave to the appointing authority who makes an initial determination of eligibility. That determination is then reviewed by the shared leave review committee, which makes a recommendation back to the appointing authority.

*House Gov't Org. & Elections
March 10, 1994
Attachment 6*

(2)

The chief advantages of old HB 2956 over the current program are threefold: 1) there is only one level of decision making involved in determining the advisability of sharing leave and 2) the standard required for leave sharing is broader than that of the regulation, and 3) there is an allowance for sharing of leave across agencies.

In order to use shared leave, the current program requires a "catastrophic" condition *which poses a threat to life* or requires inpatient or hospice care, extensive outpatient treatment or care at home.

Old HB 2956 allowed for shared leave in the event of "extraordinary or severe illness, injury, impairment or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or terminate employment." The employee would be required to exhaust his or her bank of leave time before shared leave is granted. The difference here is that an employee should not have to be on his or her death bed or in a hospital in order to take advantage of the program. If the employee is unable to work because of injury or illness and has exhausted his or her own leave, that should be sufficient.

Reimposition of the bill would also eliminate the need for a shared leave review committee. There is absolutely no need for two levels of decision making in the determination of whether an employee will be permitted to use shared leave. The appointing authority makes all other decisions regarding the use of leave, including leave without pay, except this one. This extra level of bureaucracy simply slows down the process and discourages the use of the program.

The third advantage of old HB 2956 is that it addresses the sharing of leave across agencies. The regulation is silent on the issue, but it is axiomatic that if an employee or a member of his or her family is injured or ill enough to use the program, he or she should be permitted access to leave donors in other agencies.

(3)

The aspect of both the bill and the current program that should be corrected is that it treats employees like children in deciding how much leave may be donated. Both set up minimum leave banks the employee must maintain and dictate that he or she can only donate in excess of that bank. In the regulation, the bank is 480 hours of sick leave and 80 hours of annual leave and in the bill it is 800 hours of sick and 80 hours of annual.

The employees affected should be allowed to use their own judgment regarding hours donated. If a person nearing retirement, for instance, wants to donate all of his or her leave time, why shouldn't that be an individual decision rather than one made by the state?

HOUSE BILL No. 2956

By Representative Ramirez

(By Request)

2-12

13 AN ACT concerning the Kansas civil service act; establishing a state
14 employee leave sharing program for certain state officers and em-
15 ployees; prescribing guidelines for shared leave; prescribing pow-
16 ers, duties and functions for the secretary of administration.

17
18 *Be it enacted by the Legislature of the State of Kansas:*

19 Section 1. (a) There is hereby created the state employee leave
20 sharing program. In accordance with this section and rules and reg-
21 ulations adopted under this section, employees may donate annual
22 leave [and sick leave] to a fellow employee who is suffering from
23 or has a relative or household member suffering from an extraor-
24 dinary or severe illness, injury, impairment or physical or mental
25 condition which has caused or is likely to cause the employee to
26 take leave without pay or terminate employment.

27 (b) As used in this section:

28 (1) "State employee" means a permanent full-time employee or
29 a regular part-time employee in the classified service or the un-
30 classified service under the Kansas civil service act in the executive
31 branch of state government with over six months continuous service
32 with the state, and does not include such persons in the classified
33 service on probationary status or in the unclassified service on tem-
34 porary or other limited term appointments.

35 (2) "Relative of the employee" means the spouse, child, stepchild,
36 grandchild, grandparent, stepparent or parent of the employee.

37 (3) "Household members" means those persons who reside in
38 the same home, who have reciprocal duties to and do provide fi-
39 nancial support for one another. This term shall include foster chil-
40 dren and legal wards even if they do not live in the household. The
41 term does not include persons sharing the same general house, when
42 the living style is primarily that of a dormitory or commune.

43 (4) "Severe" or "extraordinary" means serious, extreme or life

1 threatening.

2 (c) An employee may be eligible to receive shared leave under
3 the following conditions:

4 (1) The chief administrative officer of the employee determines
5 that the employee meets the criteria described in this section; and

6 (2) the employee has abided by applicable rules and regulations
7 and administrative policies regarding the use of sick leave.

8 (d) An employee may donate annual leave [and sick leave] to
9 another employee only pursuant to the following conditions:

10 (1) The receiving employee has exhausted, or will exhaust, all
11 annual leave and sick leave due to an illness, injury, impairment or
12 physical or mental condition, which is of an extraordinary or severe
13 nature, and involves the employee, a relative of the employee or
14 household member of the employee;

15 (2) the condition has caused, or is likely to cause, the employee
16 to go on leave without pay or terminate employment; and

17 (3) the chief administrative officer of the donating employee per-
18 mits the leave to be shared with an eligible employee.

19 (e) The donating employee may donate any amount of annual
20 leave, except that the donation may not cause the total amount of
21 accumulated annual leave of the donating employee to be less than
22 80 hours. Employees may not donate excess annual leave that the
23 donating employee would not be able to otherwise take. [The do-
24 nating employee may donate any amount of sick leave, except that
25 the donation may not cause the total amount of accumulated sick
26 leave of the donating employee to be less than 800 hours.] All
27 donated leave must be given voluntarily. No employee shall be
28 coerced, threatened, intimidated, or financially induced into donating
29 annual leave [or sick leave] for purposes of the leave sharing program
30 under this section.

31 (f) Donated annual leave [or sick leave] may be transferred be-
32 tween employees in different state agencies with the agreement of
33 both chief administrative officers of the state agencies.

34 (g) ~~The chief administrative officer of the employee shall~~
35 ~~determine the amount of donated leave an employee may re-~~
36 ~~ceive and may only authorize an employee to use up to a~~
37 ~~maximum of 261 days of shared leave during total state em-~~
38 ~~ployment.~~ Prior to approval or disapproval of a request for shared
39 leave, the chief administrative officer of the employee may require
40 the employee to submit a medical certificate from a licensed health
41 care provider verifying the severe or extraordinary nature and ex-
42 pected duration of the condition for which shared leave is requested.

43 (h) The employee receiving shared leave shall be paid at the

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3 regulations adopt
4 value of the leav
5 donating employe
6 The leave receive
7 tained separately
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10 leave available fo
11 to using shared l
12 (j) Any share
13 each occurrence
14 the employee sh
15 shared leave ren
16 ployees on a pro
17 and returned at
18 leave [or sick le
19 or both, as the
20 both annual leav
21 to such donating
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26 ister the provisi
27 lations therefor.
28 (l) The provi
29 to the Kansas c
30 Sec. 2. This
31 its publication i

1 employee's regular rate of pay. The calculation of the leave value
2 of the receiving employee shall be in accordance with rules and
3 regulations adopted by the secretary of administration. The dollar
4 value of the leave shall be converted from the leave value of the
5 donating employee to the leave value of the receiving employee.
6 The leave received will be designated as shared leave and be main-
7 tained separately from all other leave balances.

8 (i) Any donated leave may only be used by the receiving em-
9 ployee for the purposes specified in this section. All forms of paid
10 leave available for use by the receiving employee must be used prior
11 to using shared leave.

12 (j) Any shared leave not used by the receiving employee during
13 each occurrence as determined by the chief administrative officer of
14 the employee shall be returned to the donating employee. The
15 shared leave remaining will be divided among all the donating em-
16 ployees on a prorated basis based on the original donated leave value
17 and returned at its original leave value and reinstated to the annual
18 leave [or sick leave] balance of the respective donating employee[,
19 or both, as the case may be. If the donating employee donated
20 both annual leave and sick leave, the shared leave being returned
21 to such donating employee shall be allocated between the annual
22 leave balance and the sick leave balance of such donating employee
23 on a prorated basis based on the original amount of leave donated
24 from each such balance].

25 (k) The secretary of administration shall implement and admin-
26 ister the provisions of this section and may adopt rules and regu-
27 lations therefor.

28 (l) The provisions of this section shall be part of and supplemental
29 to the Kansas civil service act.

30 Sec. 2. This act shall take effect and be in force from and after
31 its publication in the statute book.

State of Kansas

Department of Administration

Permanent Administrative
RegulationsArticle 9.—HOURS; LEAVES; EMPLOYEE—
MANAGEMENT RELATIONS

1-9-23. Shared leave. (a) (1) Each classified employee, excluding those who are on emergency, intermittent, or temporary appointment, and each unclassified employee, excluding those on emergency, intermittent, or temporary appointment, or on a temporary appointment made pursuant to K.S.A. 1991 Supp. 75-2935(1)(i), may be eligible to receive or donate shared leave as provided in this regulation.

(2) Shared leave may be granted to an employee if the employee or the employee's relative or household member experiences a catastrophic illness or a catastrophic injury, including but not limited to, cancer, major surgery, serious accident or heart attack, that:

(A) poses a threat to life or requires inpatient or hospice care, extensive outpatient treatment or care at home; and

(B) keeps the employee from performing regular work duties.

(b) For purposes of this regulation:

(1) A "relative" means a spouse, parent, child, sibling, grandchild or grandparent, step, foster or adoptive child, or legal ward.

(2) A "household member" means a person who resides in the same home and maintains a relationship with the employee which involves reciprocal duties and financial support.

(c) (1) An employee shall be eligible to receive shared leave if:

(A) the employee has exhausted all paid leave including annual leave, sick leave, and compensatory time credits; and

(B) the employee has six months of continuous service.

(2) An employee shall be eligible to donate annual leave or sick leave to another employee if:

(A) the donation of annual leave does not cause the accumulated annual leave balance of the donating employee to be less than 80 hours; and

(B) the donation of sick leave does not cause the accumulated sick leave balance of the donating employee to be less than 480 hours.

(d) (1) Each employee wishing to use or donate shared leave shall request to use or donate in the form and at such time as prescribed by the appointing authority, as required by K.A.R. 1-9-3(a).

(2) When requesting shared leave, or at any time during the use of shared leave, any employee may be required by the appointing authority or the director to provide a physician's statement or other medical evidence necessary to establish that the illness or injury is of a catastrophic nature and keeps the employee from performing regular work duties. If the shared leave is being used for a relative or a household member, the employee may also be required to show ev-

idence that the relative's or household member's illness or injury keeps the employee from performing regular work duties. If the employee fails to provide evidence as required, the use of shared leave may be denied or terminated by the appointing authority.

(3) (A) If the appointing authority determines the employee meets the initial eligibility requirements in paragraph (c)(1), and if applicable, determines that the employee would be caring for an individual who meets the definition of relative or household member in subsection (b), a leave share review committee shall be established as prescribed by the director. The leave share review committee shall review shared leave requests and provide a recommendation to the appointing authority.

(B) Shared leave may be denied if it is determined that the requesting employee has a history of leave abuse. Common illness or minor injury that is not serious or life-threatening shall be excluded from eligibility for shared leave.

(C) If the employee receives worker's compensation, long-term disability payments, or both, shared leave used each payroll period shall be that amount which together with the payment of worker's compensation, long-term disability, or both, equals but does not exceed the regular salary for the employee.

(D) The appointing authority may grant all or a portion of the time requested. The decision by the appointing authority to approve or deny the request shall be final and not subject to appeal to the civil service board.

(e) Employees shall not be notified of the need for shared leave until the request for shared leave has been approved by the appointing authority. No employee shall be coerced, threatened, intimidated, or financially induced into donating leave for purposes of the shared leave program.

(f) (1) Shared leave may be used only for the duration of the current catastrophic illness or injury for which it was collected, up to a maximum of one year from the date the employee began using the shared leave. Shared leave shall not be transferable to any employee other than the employee for which it was requested and donated.

(2) Shared leave may be applied retroactively for a period not to exceed 30 calendar days. The director shall be given written notification of each instance in which shared leave is applied retroactively.

(3) The employee shall no longer be eligible to receive shared leave for that particular occurrence if:

(A) the catastrophic illness or injury improves so that the employee is no longer prevented from performing regular work duties;

(B) the recipient terminates or retires; or

(C) the employee can no longer show evidence that the relative's or household member's illness or injury keeps the employee from performing regular work duties. The employee shall be determined to no longer be prevented from performing regular work duties when the physician states the employee is able to return to work or when the employee has returned to work for 20 continuous working days.

Any unprorated amount of original amount of leave shall not be included in increments of one day who has left.

(g) (1) Shared leave receiving employee receiving employee amount of shared leave receives.

(2) Shared leave increments.

(h) Under provisions of this regulation by the director authority. (Amended K.S.A. 1-7-23-92, July 30, 1992)

Article 45.—
CERTAIN
PROVISIONS

1-45-14.

rules and regulations of each and every department and every agency shall be subject to the provisions of these rules.

have occurred vehicle continuing location, unless continuously in violation of these rules and regulations for two hours from the time of the violation. (Amended K.S.A. 1-45-14, July 30, 1992)

Article 46.—

1-46-1. Ap

article shall apply to all grounds unless otherwise provided.

(4) Any unused portion of the shared leave shall be prorated among all donating employees based on the original amount and type of donated leave. Shared leave shall not be returned to donating employees in increments of less than one full hour or to any person who has left state service.

(g) (1) Shared leave shall be paid according to the receiving employee's regular rate of pay by the receiving employee's agency. The rate of pay of the donating employee shall not be used in figuring the amount of shared leave the requesting employee receives.

(2) Shared leave shall be donated in full-hour increments.

(h) Under extenuating circumstances, the requirements of this regulation may be waived or modified by the director upon written request of the appointing authority. (Authorized by K.S.A. 75-3706, 75-3747; implementing K.S.A. 75-2925, 75-3707, 75-3746; effective, 1-17-92, July 23, 1992; effective Sept. 14, 1992.)

Article 45.—MOTOR VEHICLE PARKING ON CERTAIN STATE-OWNED OR OPERATED PROPERTY IN SHAWNEE COUNTY

1-45-14. Violations. A violation of any of these rules and regulations shall be deemed to have occurred each and every time a motor vehicle is found to be parked in a manner prohibited by these rules and regulations. However, a second or subsequent violation of these rules and regulations shall not be deemed to have occurred on the same day when the same motor vehicle continues in the same violation at the same location, unless and until the motor vehicle remains continuously parked in the location in violation of these rules and regulations for a period in excess of two hours from the time the previous violation was found. (Authorized by K.S.A. 75-3706 and 75-4507; implementing K.S.A. 75-4507; effective May 1, 1979; amended Sept. 14, 1992.)

Article 46.—PARKING FOR THE STATEHOUSE

1-46-1. Applicability. (a) The provisions of this article shall apply only to parking on the statehouse grounds unless expressly stated otherwise. Except as

provided in K.A.R. 1-46-3, these regulations shall apply:

(1) between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted;

(2) between 8:00 a.m. and noon on Saturday, holidays excepted; and

(3) during any other time that either chamber of the legislature is meeting in session.

(b) "Statehouse grounds" means the area bounded by 8th, 10th, Jackson and Harrison streets in Topeka, Kansas.

(c) "Person" means:

(1) the individual, partnership, corporation, association, or governmental body to whom the motor vehicle is registered pursuant to K.S.A. 8-127, as amended; or

(2) a person who has lawful possession of a motor vehicle pursuant to a lease entered into for valuable consideration, including assignments of motor vehicles to individuals or state agencies in accordance with K.S.A. 75-4601 *et seq.*, and any amendments thereto, and rules and regulations promulgated thereunder.

(d) The term "motor vehicle" shall have the meaning prescribed by K.S.A. 8-126 as amended. (Authorized by K.S.A. 75-3706 and 75-4507; implementing K.S.A. 75-4507; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979; amended Sept. 14, 1992.)

1-46-3. Additional parking restrictions. Unless otherwise authorized by the secretary of administration for reasons of business or emergency, no person shall, at any time, park a motor vehicle or permit that person's motor vehicle to be parked so that it is: (a) double parked in a tunnel or archway;

(b) on a pedestrian walk;

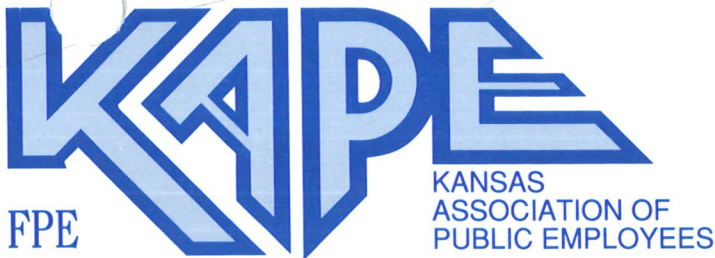
(c) in a driveway;

(d) backed into a parking stall; or

(e) not within a marked parking stall. (Authorized by K.S.A. 75-3706 and 75-4507; implementing K.S.A. 75-4507; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979; amended Sept. 14, 1992.)

Susan Seltsam
Secretary of Administration

Doc. No. 012290



1300 South Topeka Avenue Topeka, Kansas 66612 913-235-0262 Fax 913-235-3920

Testimony of Paul K. Dickhoff, Jr.
Director of Negotiations
Kansas Association of Public Employees
In Support of Senate Bill 609

Members of the committee, good morning. I appreciate the opportunity to appear before you this morning to speak in favor of Senate Bill 609 in behalf of The Kansas Association of Public Employees. I appear today, however, with mixed emotions about many of the features of the state's shared leave plan which I would like to share with you.

Prior to going to work for KAPE five years ago, I was employed by the Kansas Department of Human Resources in the Labor Relations Division for twelve years. During part of that time I was appointed by the Secretary to serve on the agency suggestion awards committee. During my tenure on that committee we received many worthwhile and cost effective suggestions, but not once during that time did we issue an award for any of those suggestions. Due to the strict award guidelines placed on the committee, there was always some technical element which the suggestions failed to meet. The effect was that the program became a joke among employees and their participation dwindled dramatically.

I believe there is a parallel beginning to emerge within the shared leave program.

In my day to day contacts with state employees I have heard story after story from employees who have attempted to acquire time under the program only to be denied. The state's shared leave plan is a very well intentioned, humanitarian idea. And Senate Bill 609, if passed, will relax constraints on the approval of requests for shared leave, but that is only a part of the overall picture. KAPE is of the opinion that the entire plan contains elements which are flawed to the extent that they may cause the plan to eventually cease to exist.

In my capacity of director of negotiations for KAPE I have had a hand in fashioning shared leave plans for various bargaining units in other governmental subdivisions. The most successful of those plans contains a provision wherein employees who want to be eligible for withdrawals from the plan must first be contributors



*Debra Smith & Elections
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Attachment 7*

to the plan which is referred to as a "sick leave pool". In order to qualify as a contributor to the pool they must currently possess a threshold level of accumulated sick leave at the time of their contribution. The decision to be a participant is an annual option of each employee as evidenced by their annual contribution of one day of sick leave. The time so contributed is not retrieveable, even if never used. And finally, the approval of requests for pool time are ruled upon by a committee comprised of elected pool participants. Who better to monitor the use of the time than the employees who have contributed the time?

I realize that these are significant departures from the state's current shared leave policy. I also realize that my comments go beyond the scope of the amendment proposed by Senate Bill 609. I believe, however, that they are deserving of your consideration at some point in time if the concept of shared leave is to be successfully applied in Kansas state service.

Any amendment of the plan which makes it more accessible to employees increases the credibility of the plan in the eyes of the employees. Senate Bill 609 takes the first positive step in that direction, and to the extent that serves as an improvement to the plan, it has the full support of KAPE.

Thank you for your consideration of my comments and I would be happy to answer any questions you may have.

Testimony To The
HOUSE GOVERNMENTAL ORGANIZATION AND ELECTIONS COMMITTEE

By
Nancy M. Echols
Division of Personnel Services
Department of Administration

Thursday, March 10, 1994
RE: Senate Bill 609

Mr. Chairperson, members of the committee, thank you for this opportunity to appear before you today. My name is Nancy Echols, and I am the Director of the Division of Personnel Services in the Department of Administration.

The Department of Administration wishes to express concerns with Senate Bill 609 which relates to the shared leave program established by K.A.R. 1-9-23.

The Leave Share Review Committee as established by K.A.R. 1-9-23 is a three member committee made up of two representatives from the agency of the requesting employee and one member from the Division of Personnel Services. The committee reviews all shared leave requests to determine if an illness or injury is catastrophic based on the facts of each individual situation supported by a physician's statement or other medical evidence according to K.A.R. 1-9-23. The regulation stipulates that illnesses or injuries must be catastrophic such as cancer, major surgery, serious accident, heart attack, etc., pose a threat to life or require inpatient or hospice care, extensive outpatient treatment or care at home, and keep the employee from performing regular work duties. Any approval of a request for shared leave must be made by a consensus vote of all three committee members.

The proposed amendment to the shared leave program would change the voting procedures to require only a majority vote to approve or deny a shared leave request. The representative from the Division of Personnel Services is the only standing member of the committee and is the only member who reviews every shared leave request. The lone standing member on the committee provides consistency to the committee determinations regarding illnesses or injuries that qualify as catastrophic. The consensus vote ensures an impartial and objective decision. Because the shared leave program is a state-wide program and donations cross agency lines, the consensus vote helps to make sure one agency is not approving shared leave requests for the same illnesses or injuries that another agency is denying.

Changing the voting procedures to a majority vote would greatly reduce the consistency of what illnesses or injuries qualify for shared leave, and could increase the number of requests approved. Since July 1992, 158 requests have been denied. Of the 158 denied requests, approximately 85% of those determinations were made by a consensus

*House Gov't Org. & Elections
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decision of all three committee members. While a great majority of the determinations by the committee since the beginning of the program have been decided by a consensus vote, some committee members might be inclined to be much more lenient in approving shared leave requests in the future if only a majority vote is needed to approve.

Some states presented with the problem of maintaining consistency as to what does or does not qualify for shared leave have had to put some strict parameters in their regulations. The State of South Dakota not only requires the illness or injury to be catastrophic, but dictates that the illness or injury will also keep the employee from work for at least 90 days. Our regulation is more flexible because it allows the committee to look at cases individually, and while some illnesses or injuries may not require an employee to be away from work for 90 days, it may still be considered a catastrophic incident. However, because we do allow that flexibility, we believe the consensus vote to be a check on that flexibility.

Most agencies have stated they like the way the committee is currently set up. Changing the decision process of the committee to a majority vote may put pressure on the agency representatives to approve many shared leave requests they might not otherwise approve. Agency representatives might also have to deal with employees who claim favoritism may be involved in some decisions. With the current consensus vote, the standing committee person offers an objective opinion in each case.

Since July 1992 there have been 209 approved shared leave requests with a cost of \$837,650 including fringe benefits except group health insurance. Although we cannot estimate the increase in the number of requests that may be approved prospectively because of changes to the voting procedures, we believe there will be a fiscal impact in the future. Approximately 15% of the determinations made by the committee since the beginning of the program have been non-consensus. If that percentage were to remain constant with the change in voting procedures, we conservatively estimate that additional costs to the State would be over \$100,000.

We do not believe the shared leave program was intended for minor illnesses or injuries or as a short-term disability program. By keeping a consensus vote in the committee, we can continue to make sure that all approvals for shared leave meet the conditions of catastrophic as set out in K.A.R. 1-9-23.

Thank you for allowing me this time. I would be happy to answer any questions you may have.