

Approved: 3/23/94  
Date

MINUTES OF THE SENATE COMMITTEE ON COMMERCE.

The meeting was called to order by Chairperson Alicia Salisbury at 8:00 a.m. on March 22, 1994 in Room 123-S of the Capitol.

Members present: Senators Burke, Downey, Feleciano, Gooch, Harris, Hensley, Kerr, Petty, Ranson, Reynolds, Salisbury, Steffes and Vidricksen

Committee staff present: Lynne Holt, Legislative Research Department  
Jerry Ann Donaldson, Legislative Research Department  
Jim Wilson, Revisor of Statutes  
Bob Nugent, Revisor of Statutes  
Mary Jane Holt, Committee Secretary

Conferees appearing before the committee: Susan M. Seltsam, Secretary, Department of Administration

Others attending: See attached list

**Discussion of HB 2948-Neighborhood infrastructure improvement and youth job creation act**

Bob Nugent, Revisor of Statutes, reviewed the balloon amendments to HB 2948, see attachment 1. The amendments incorporate the major provisions of HB 3056, plus a sunset provision and a three year reporting period. The Secretary of Human Resources was retained as the administrative agency.

Lynne Holt, Legislative Research Department, reviewed the federally funded youth programs under the Job Training Partnership Act. The programs are funded under Title IIB and Title IIC. Programs under Title IIB are summer youth programs. Both are funded on a federal fiscal year basis. The 1994 Summer Youth Program funds available are \$3,094,282. Title IIC program serves both in-school and out-of-school youth. Not less than fifty percent of the participants in the Title IIC program are required to be out-of-school individuals (dropouts) who meet the eligibility requirements. For the program year 1994, Title IIC funding is \$2,346,673, see attachment 2.

By consensus, the Committee agreed to reduce the 25% to 15% as the amount which may be used for any fiscal year for the cost of administration and the acquisition of supplies, tools and other equipment; strike subsection (a) lines 35 through 39 on page 2; on page 3, change the effective date from publication in the statute book to the Kansas Register; and substitute "qualified youth" for "at risk youth".

Senator Burke moved and Senator Gooch seconded to adopt the amendments to the balloon and to adopt the amended balloon to HB 2948. The motion carried on a voice vote.

Senator Burke moved and Senator Gooch seconded to recommend HB 2948, as amended, favorably for passage. The motion passed on a roll call vote.

**Consideration of confirmations:**

Senator Harris informed the Committee he received a letter dated March 21, 1994, that was addressed to Senator Hensley, from the Kansas Association of Public Employees (KAPE), and signed by Myrlene Kelley, Executive Director, Scott Stone, General Counsel, and Paul Dickhoff, Jr., Chief Negotiator, see attachment 3. He reviewed the information in the letter and moved to recommend confirmation of the appointment of Charles E. Simmons to the Public Employee Relations Board. The motion was seconded by Senator Kerr and the motion carried on a roll call vote.

Gale G. Simons submitted a statement to the Committee in regard to his reappointment to the Kansas

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON COMMERCE, Room 123-S Statehouse, at 8:00 a.m. on March 22, 1994.

Technology Enterprise Corporation Board of Directors, see attachment 4.

Senator Kerr moved and Senator Reynolds seconded to recommend confirmation of the reappointment of Gale G. Simons. The motion carried on a roll call vote.

**Hearing on SB 834-Civil service; discipline of certain employees**

Susan M. Seltsam, Secretary, Department of Administration, testified SB 834 would place in statute two policy statements previously issued by the Division of Personnel Services. Codification of current policy embodies existing requirements of the Fair Labor Standards Act (FLSA) regarding exempt status to ensure that civil service statutes and regulations are interpreted in conjunction with the FLSA, see attachment 5.

Ms. Seltsam responded to Committee questioning that she did not know whether the policy statements could have been adopted under current regulatory authority.

The hearing on SB 834 was closed.

Senator Ranson moved and Senator Reynolds seconded to table SB 834.

A substitute motion was made by Senator Petty and seconded by Senator Gooch to recommend SB 834 favorably for passage.

The Committee requested a fiscal note and information regarding regulatory authority.

The Chairman announced the substitute motion would be tabled until the next meeting which is scheduled for 8:00 a.m., March 23, 1994.

Senator Gooch moved and Senator Kerr seconded to adopt the minutes of March 21, 1994. The motion carried on a voice vote.

The Chairman adjourned the meeting at 9:00 a.m.

The next meeting is scheduled for March 23, 1994.

GUEST LIST

COMMITTEE: SENATE COMMERCE COMMITTEE

DATE: 3/22/94

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
AND TRANT	TOPEKA	KCC
Elaine Frisbie	"	: Div. of Budget
B. Mariani	Topeka	DJA
Mary Leitch	"	"
PAUL K DICKHOFF, JR.	TOPEKA	KAPE
Betty M. Jones	Topeka	KAPE
Kathy Jensen	Topeka	KAPE
Heather Emerson	Lawrence	KAPE
Judy Wolff	Topeka	SRS
Donna Meister	"	Senate Oversight Committee
George Wingard		Gov Office
MARK BARCELLINA	Topeka	KDCA IT
Mylene Kelley	Topeka	KAPE
Scott Stone	Topeka	KAPE
RAY SCHER	TOPEKA	SELF
Michelle Clum	Topeka	atty: Jan Small

HOUSE BILL No. 2948

By Representatives Ballard, Alldritt, Allen, Benlon, Bradley, Brown, Bruns, Charlton, Cox, Dean, Dillon, Everhart, Garner, Gilbert, Glasscock, Goodwin, Grant, Grotewiel, Krehbiel, Larkin, Long, Lowther, Lynch, Mays, McClure, McKinney, Novak, Pauls, Petty, Plummer, Reardon, Robinett, Rock, Ruff, Samuelson, Sebelius, D. Smith, M. Smith, Swall, Van Fleet, Wagnon, Watson, Webb, Weinhold, Wempe and Wiard

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14 AN ACT creating the neighborhood infrastructure improvement and  
15 youth ~~job-creation~~ act.

employment

16  
17 *Be it enacted by the Legislature of the State of Kansas:*

18 Section 1. Sections 1 through 8 shall be known and may be cited  
19 as the neighborhood infrastructure improvement and youth ~~job-cre-~~  
20 ~~ation~~ act.

Sec. 3. For purposes of this act, "eligible entity" means:

(a) A unit of local government, a nonprofit private organization, a native American Indian tribe, or private business which agrees to perform the following:

(1) Submit a plan to provide summer and after school employment, opportunities for at risk youth;

(2) assign an officer, employee or tribal or organization member to serve as a mentor or advisor to each youth employed by the entity pursuant to this act; and

(3) abide by such rules and regulations as may be required by the secretary.

(b) A private business must further agree to pay at least 50% of the wages and related fringe benefits of the youths it employs pursuant to this act.

21 Sec. 2. In accordance with appropriation acts, the secretary of  
22 human resources shall provide grants to eligible administrative en-  
23 tities, as described in section 3 for the purpose of establishing and  
24 carrying out programs that provide employment opportunities during  
25 the summer months and after school to individuals through payments  
26 for labor and related costs associated with the repair and renovation  
27 of essential community facilities.

28 ~~Sec. 3. (a) An administrative entity shall be eligible to receive~~  
29 ~~a grant under section 2 if the entity is:~~

- 30 ~~(a) A unit of local government;~~
- 31 ~~(b) a nonprofit private organization; or~~
- 32 ~~(c) a native American indian tribe.~~

33 ~~Sec. 4. The secretary may not make a grant under section 2 to~~  
34 ~~an eligible administrative entity unless the entity submits to the~~  
35 ~~secretary an application in such form and containing such information~~  
36 ~~as the secretary may require pursuant to rules and regulations.~~

37 ~~Sec. 5. (a) Except as provided in subsection (b), the secretary~~  
38 ~~may not make a grant under section 2 to an eligible administrative~~  
39 ~~entity unless the entity agrees that such entity will use all amounts~~  
40 ~~received from such grant to establish and carry out a program to~~  
41 ~~provide wages and related employment benefits to eligible individ-~~  
42 ~~uals described in subsections (a) and (b) of section 6 for the purpose~~

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, other than a private business,

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1 munity facilities that are located within the eligible jurisdiction that  
2 the entity serves, including:

- 3 (1) Painting bridges;
- 4 (2) repairing and renovating public buildings and other com-
- 5 munity facilities, including public libraries;
- 6 (3) repairing and renovating public housing units;
- 7 (4) repairing water systems and water development projects;
- 8 (5) erecting or replacing traffic control signs and removing road
- 9 sign obstructions;
- 10 (6) replacing school crossing, intersection and other road surface
- 11 markings;
- 12 (7) repairing roads and streets;
- 13 (8) repairing and renovating parks and playgrounds;
- 14 (9) installing and repairing drainage pipes and catch basins in
- 15 areas subject to flooding;
- 16 (10) installing graded ramps for individuals with disabilities; and
- 17 (11) weatherizing community facilities and carrying out other en-
- 18 ergy conservation activities.

19 (b) Not more than 25% of amounts received from a grant under  
20 section 2 for any fiscal year may be used for the cost of administration  
21 and the acquisition of supplies, tools and other equipment.

15%

22 Sec. 4 An individual shall be eligible to participate in a program 5  
23 described in subsection (a) of section 5 only if the individual is 4  
24 attending a secondary school and meets the income eligibility re-  
25 quirements established by the secretary of human resources and  
26 adopted as rules and regulations.

27 Sec. 7 No individual shall be excluded from participation in, 6  
28 denied the benefits of, subjected to discrimination under, or denied  
29 employment in the administration of or in connection with any pro-  
30 gram described in subsection (a) of section 5 because of race, color,  
31 religion, sex, national origin, age, disability or political affiliation or  
32 belief.

33 Sec. 8 The secretary may not make a grant under section 2 to 7  
34 an eligible ~~administrative~~ entity unless the entity agrees that it will:

, except a private business,

35 (a) Maintain its aggregate expenditures from all other sources for  
36 employing individuals to repair and renovate essential community  
37 facilities at or above the average level of such expenditures in the  
38 two fiscal years preceding the date on which the entity submits an  
39 application under section 4 to the secretary; and

40 (b) submit, for any fiscal year in which the entity receives a grant  
41 under section 2, a report to the secretary describing the use of such  
42 grant and any other information the secretary determines to be  
43 appropriate as established by rules and regulations.

1-2

1 Sec. 10. This act shall take effect and be in force from and after  
2 its publication in the statute book.

Sec. 8. (a) The provisions of this act shall expire December 31, 1995.

(b) The secretary shall submit an interim report to the 1996 session of the house economic development committee and the senate commerce committee detailing the manner in which funds were spent pursuant to this act. Such report shall include the nature of the work performed by participating youths, the percentage of funds expended for administrative expenses, preliminary findings on the educational and occupational disposition of participating youths and an evaluation of the program as a whole including a recommendation concerning continuation of the program.

(c) The secretary shall provide a final report to the above committees during the 1999 session of the legislature. Such report shall concern the educational and occupational progress of youths for a three-year period following their participation in the program. The educational monitoring shall be coordinated with monitoring performed by the department of education. To the extent permissible, information about violations of the law by participating youth shall be made available by the secretary of corrections and the secretary of social and rehabilitation services.

Sec. 9. The secretary of human resources may adopt rules and regulations to effectuate the purpose of this act, however, such rules and regulations shall not be subject to the provisions of K.S.A. 77-415 et seq. and amendments thereto.

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## Youth Program Comparisons

There are two programs specifically for youth under the Job Training Partnership Act. They are funded under Title IIB and Title IIC. The following is a brief description of each:

**TITLE IIB:** The purpose of the Title IIB program is to:

- 1) enhance the basic educational skills of youth;
- 2) to encourage school completion or enrollment in supplementary or alternative school programs;
- 3) to provide eligible youth with exposure to the world of work; and
- 4) to enhance the citizenship skills of youth.

Funds under the Title II program may be used for:

1) basic and remedial education, institutional and on the job training, work experience programs, youth corps programs, employment counseling, occupational training, preparation for work, outreach and enrollment activities, employability assessment, job referral and placement, job search assistance and job club activities designed to give employment to eligible individuals or prepare the individuals for and place the individuals in employment.

2) supportive services necessary to enable such individuals to participate in the program; and

3) administrative costs not to exceed 15%.

**Programs under Title IIB shall be conducted only during the summer months.**

**An individual shall be eligible to participate in the program if they are age 14 through 21 and economically disadvantaged as defined by the law.**

Most of the youth participating in the Title IIB summer program are assessed as being potential dropouts who have multiple barriers. The youth are provided with education and work experience in public and private non profit entities. They earn the Federal minimum wage while they are in the work experience component. In addition the youth are often enrolled in a classroom setting in which they are taught either basic or remedial education if they are assessed to be in need of this service. They are also enrolled in a number of academic enrichment activities designed to maintain both math and reading levels that could be lost over the summer months. All of the States five Service Delivery Areas provide classroom instruction along with the work experience.

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Performance Standards are designed to measure a youth's attainment of and retention of academic skills. Assessment tests are given at the beginning of the program and at the conclusion to determine what was learned and retained by the youth. A major goal of the program is to aid the youth in returning to school. Successful reenrollment in school is a positive outcome of the program. No long term follow up is conducted under the Summer Youth Program.

**Funding:** The Summer Youth Program is funded on a Federal Fiscal Year basis (October through September). For the upcoming Federal Fiscal Year (referred to as the 1994 Summer Youth Program) funds available are \$3,094,282. These monies are passed through to the Service Delivery Areas by a formula established in the law.

**TITLE IIC:** The purpose of the Title IIC program is to improve the long-term employability of youth, enhance the educational, occupational, and citizenship skills of youth, encourage school completion or enrollment in alternative school programs, increase the employment and earnings of youth, reduce welfare dependency, and assist youth in addressing problems that impair the ability of youth to make successful transitions from school to work, apprenticeship, the military, or post secondary education and training.

The Title IIC program is year round and is designed to target economically disadvantaged youth 16 through 21 who are "hard to serve." Hard to serve is defined as youth assessed as having one or more barriers. The barriers are as follows: Youth who are basic skills deficient, have educational attainment that is 1 or more grade levels below the grade level appropriate to the age of the individuals, pregnant or parenting, having a physical or learning disability, homeless or a run-away, or an offender.

The program serves both In-School and Out-of-School youth. Not less than fifty percent of the participants in the Title IIC program shall be out-of-school individuals (dropouts) who meet the eligibility requirements.

**Funding:** Title IIC funds are allocated by a formula established within the law. The funds are passed directly to the Service Delivery Areas by the State. For Program Year 1994 (July 1, 1994 through June 30, 1995) Title IIC funding is \$2,346,673.

**Performance Measures:** There are a Federal performance measures established for programs funded under Title IIC programs. Federal Standards include:

- 1) Youth Entered Employment Rate;
- 2) Youth Employability Enhancement Rate (attainment of preestablished youth competencies);
- 3) Service Levels to Dropouts.

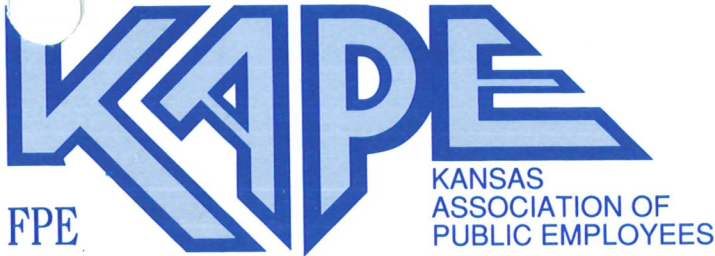


**COMPARISON OF HOUSE BILLS 2948 & 3056 WITH JTPA****Similarities:**

- 1) All three have a means test;
- 2) All three are directed at "at-risk" youth;
- 3) HB 3056 and JTPA Title IIB are Summer Programs only;
- 4) All three will require the submission of applications prior to funding;
- 5) All have periodic reporting standards including line item fiscal expenditure reporting;
- 6) HB 2948 and JTPA youth programs allow only work in public or private not for profit entities.
- 7) HB 2948 and JTPA require maintenance of effort provisions in which local funds may not be supplanted or substituted by Federal or State funds.

**Differences:**

- 1) HB 3056 is directed at employing youth with private business. JTPA cannot by law do this;
- 2) HB 3056 requires 50% of the wages to be paid by the participating business;
- 3) HB 3056 appears to allow matching under (d) of the Bill. This appears to be in lieu of wages. No JTPA youth programs require or allow this.
- 4) Although reporting is not specifically defined in either Bill, outcome reporting under 3056 would appear to be limited to a written report at the end of the employment period while JTPA youth reporting is extensive and done monthly.
- 5) Specific age restrictions exist under the JTPA program, while both House Bills are open to youth who are attending or enrolled in school. Both bills have a great deal more flexibility on enrollment than JTPA.



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

March 21, 1994

Senator Mike Harris  
State Capitol Building, Room 136-N  
Topeka, Kansas

RE: Senate approval of the gubernatorial appointment of Charles Simmons to the Public Employee Relations Board.

Dear Senator Hensley:

This informational letter has been prepared to inform you of KAPE's opposition to the affirmation of Charles Simmons to the Public Employee Relations Board (PERB). The original unsigned letter to Senator Hensley circulated at Monday's meeting was prepared as an informational document and as a general statement of KAPE's opposition to the appointment. KAPE appreciates the opportunity to provide that information to all committee members, and the undersigned are in agreement with its contents. Mr. Simmons has repeatedly shown his disdain for the rights of public employees and of public employee organizations and his approval by the Senate will make a mockery of the public labor relations law in Kansas.

The Department of Corrections, for which Mr. Simmons is Chief Counsel, has been sued on several occasions for a number of infractions of the Fair Labor Standards Act (FLSA) overtime provisions. The agency has been found guilty in at least one of these actions, and KAPE is confident we will prevail in the others as well. Mr. Simmons' reactions have not been to alleviate the problem, but to punish all employees because some had filed a legitimate claim. Mr. Simmons' action of altering the work day has not resolved the matter but rather leaves the department in the position of still being liable for additional FLSA suits.

Most recently, Mr. Simmons has totally ignored the spirit and intent of the Kansas Public Employer-Employee Relations Act (PEERA) by retaliating against the corrections officers' decision to elect KAPE as their exclusive bargaining representative. In the summer of 1992, KAPE was approached by a number of officers who felt they would be better off if they were represented by an organization in negotiations. PEERA states as its purpose that harmonious relations between the state and its employees are of paramount importance to the State of Kansas. After gathering the requisite number of interest cards, PERB then held a certification election with KAPE winning the election. Subsequent to the election, KAPE was duly certified as the exclusive bargaining representative for the Corrections Officer Bargaining Unit. Once there is a certified

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bargaining agent for the employees, the employer must meet and confer prior to alteration of terms and conditions of employment, especially wages and hours of work. Only a few days after KAPE was certified, a memorandum was distributed to all of the corrections officers informing them that as of January 18, 1993, all meal breaks would cease and the officers would arrive to work, work eight hours, and go home, with no breaks whatsoever.

Mr. Simmons was informed by the executive director of KAPE that KAPE would view such an action as an illegal practice under PEERA. In spite of these warnings, and despite efforts on the part of KAPE to explore other remedies, Mr. Simmons proceeded with the action. KAPE is currently awaiting PERB's decision on the legality of those actions, but KAPE expects to prevail on such a clear cut violation.

In addition, Mr. Simmons' actions towards the union and the agency's employees have not alleviated the overtime liability of the agency. Because the officers must still arrive to work early so they can relieve the prior shift on time, an overtime situation still exists. Mr. Simmons may also be personally liable for criminal charges if he is found guilty of retaliating against or conspiring to retaliate against employees for filing an overtime lawsuit, nothing more than a simple assertion of their rights.


One who even appears to show such disdain for PEERA and other labor laws surely should not be allowed to administer those laws.


KAPE is disturbed that the employee representative position on PERB has been vacant for nine months, while the employer position, to which Mr. Simmons has been nominated, has been filled twice in the same time. Mr. Simmons has recently appeared in a case before PERB and subsequently lost that case. A few days after that, Mr. Simmons was announced as an appointment to PERB.

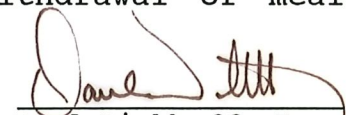
Public employees and public employee organizations should not be further penalized by forcing them to seek remedies through judicial litigation rather than administrative conciliation. Mr. Simmons appointment will seriously jeopardize employees' confidence in PERB decisions. KAPE feels confident there are many other qualified candidates to serve on PERB who will act in an unbiased manner.

By this letter, KAPE is representing the opinions of our membership, many of whom made no secret of their intent to attend Monday's meeting to voice their own opposition to Mr. Simmons as employees of the Department of Corrections. When that information was made available to the department, their duty assignments for Monday were changed to preclude their attendance.

See the attached testimony of Mr. Simmons from the PERB hearing conducted on August 10, 1993 in the matter of the prohibited practice filed by KAPE for the unilateral withdrawal of meal breaks.

  
Myrlene Kelley,  
Executive Director

  
Scott Stone,  
General Counsel

  
Paul Dickhoff, Jr.,  
Chief Negotiator

Gale G. Simons  
Senate Committee on Confirmation  
Kansas Technology Enterprise Corporation  
March 18, 1994

It is my pleasure to be considered for reappointment to the Kansas Technology Enterprise Corporation Board of Directors. I am currently a university professor, the associate dean for research, and the director of the Engineering Experiment Station at Kansas State University. I coordinate the research activities of faculty in the College of Engineering and administer research funds from government and private sources.

After completing my formal education, I worked for Argonne National Laboratory (ANL), operated by the University of Chicago, for nine years.

I joined the K-State College of Engineering in 1977. Since then, I have taught courses and conducted research in the areas of applied engineering analysis, and instrumentation design and performance. I have been successful in meeting my research objectives by obtaining extramural funding from the National Science Foundation, the Department of Energy, the Environmental Protection Agency, national laboratories, and private industry. I have served as a consultant for companies and federal agencies.

I am internationally recognized for my research contributions in electronics and instrumentation and have been active at state, university, and college levels. I am a K-State Presidential Lecturer, one of 36 K-State professors listed as a top expert in his field, a member of the board of directors of the Kansas State University Research Foundation, and a former member of the K-State Faculty Senate.

I am a member of several honorary and professional societies: Phi Kappa Phi, Tau Beta Pi, Alpha Nu Sigma, Pi Mu Epsilon, Kansas Academy of Science, American Nuclear Society, American Society for Engineering Education, American Association for the Advancement of Science, the Health Physics Society, and the Institute for Electrical and Electronic Engineers. I have received the Halliburton Faculty Award, the Sigma Xi Research Excellence award, and the Engineering Advisor award. I am also a K-State Presidential lecturer and listed in Who's Who in Engineering.

I am committed to helping Kansas companies. Kansas companies should be provided with the opportunity of reaping the benefits stemming from advanced technology. Many states have dynamic programs designed to enhance research and development in areas that are needed for economic development. Kansas citizens deserve the same opportunities to experience the surge in the vitality of U.S. industry that is occurring in other states.

I believe that it is important to establish stronger university-industry connections. Serving as a member of the KTEC board of directors is one way that I can raise my voice on behalf of Kansas industry.

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Attachment 4

SENATE COMMERCE COMMITTEE

March 22, 1994

TESTIMONY PRESENTED BY SUSAN M. SELTSAM  
SECRETARY OF ADMINISTRATION

Senate Bill No. 834 would place in statute two policy statements previously issued by Division of Personnel Services. The Bill, as did the policy statements, embodies existing requirements of the Fair Labor Standards Act (FLSA) regarding exempt status to ensure that civil service statutes and regulations are interpreted in conjunction with the FLSA.

Employees in exempt positions do not qualify for overtime, however, to be exempt the position must meet a series of tests established under Department of Labor regulations relating to payment of a salary and the defined nature of the duties and responsibilities for that position. In summary, this bill codifies the administration of Department of Labor regulations as they pertain to exempt employees.

I urge your support of Senate Bill 834.

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Commerce

Attachment 5-1

DEPARTMENT OF ADMINISTRATION  
DIVISION OF PERSONNEL SERVICES

PERSONNEL SERVICES POLICY STATEMENT NO. 37

SUBJECT: Reduction of Salary of Exempt Employees for Absence of Less Than One Workday, for Attendance as a Witness, or for Temporary Military Leave

REFERENCE: K.A.R. 1-5-5; K.A.R. 1-9-7b; K.A.R. 1-9-7c; K.A.R. 1-9-8

POLICY/PROCEDURE:

1. Payment of employees exempt under the Fair Labor Standards Act (FLSA) for absences of less than one full workday.
  - A. Exempt employees who are absent from work for less than one full workday, shall be considered to be in pay status, as defined in K.A.R. 1-5-5(c), for the full workday and shall be compensated for a full workday. Compensation for periods of absence of less than one full day shall be as follows:
    - 1) If the employee has sick leave credits, annual leave credits, or other paid leave, the employee shall be required to use such paid leave, as appropriate; or
    - 2) If employees do not have the appropriate leave accrued, they shall receive their full rate of pay as determined by their salary range and step and individual position.
  - B. Proportionate pay as described in K.A.R. 1-5-5(b) or any other reduction in regular rate of pay is not applicable when exempt employees are absent from work for less than one workday for any purpose.
2. Payment of employees exempt under FLSA for absences caused by attendance as a witness for oneself, or temporary military leave.
  - A. Exempt employees who are absent from work for less than a week because of service as a witness on one's own behalf, as defined under K.A.R. 1-9-8(a)(2), shall be considered in pay status and shall be compensated at the full rate of pay.
  - B. Exempt employees who are on temporary military leave of less than one week, shall not receive deductions from pay under K.A.R. 1-9-7b(a)(1), 1-9-7b(b), 1-9-7b(e) or 1-9-7c(b). Such employees shall be considered in pay status during the temporary military leave.

3. Determining appropriate reimbursement.

A. Agency Personnel Officers shall:

- 1) Review management records of absences after April 15, 1986, to determine if employees have had their pay reduced inappropriately under paragraphs 1 and 2 of this policy statement.
- 2) Determine appropriate reimbursement; and
- 3) Forward this information to the Director of the Division of Personnel Services for review and approval.

B. In order to minimize future liability, agencies must reimburse exempt employees for inappropriate salary reduction. Generally, restoration of employee's reduction of pay will be made back to April 15, 1986.

EFFECTIVE DATE: September 13, 1990.

RECEIVED

MAR 17 1994

Secretary of Administration

DEPARTMENT OF ADMINISTRATION  
DIVISION OF PERSONNEL SERVICES

PERSONNEL SERVICES POLICY STATEMENT NO. 40

SUBJECT: Reduction of Salary of Exempt Employees for suspensions without pay for less than an entire designated workweek.

REFERENCE: K.A.R. 1-10-6, K.S.A. 75-2949, K.S.A. 75-2949d.

POLICY/PROCEDURE:

1. For purposes of this policy statement designated workweek means seven consecutive 24 hour periods.
2. Exempt employees shall only be suspended without pay for the employee's entire designated workweek or complete multiples of such workweek unless the suspension is for an infraction of safety rules of major significance.
3. If an agency has a situation that may qualify as an infraction of a safety rule of major significance, the agency must report it to DPS and receive written approval prior to such proposed suspension unless that suspension is for the employee's entire designated workweek or complete multiples of such workweek.
4. Agencies must reimburse exempt employees for inappropriate salary reductions for suspensions of less than the employee's entire designated workweek. Reimbursements of inappropriate salary reductions are to be made in accordance with procedures issued by the Division of Personnel Services in a memorandum from the Director dated July 7, 1993 and any amendments thereto.

EFFECTIVE DATE: July 7, 1993