Approved: 3/15/95 ha

MINUTES OF THE HOUSE COMMITTEE ON BUSINESS, COMMERCE & LABOR.

The meeting was called to order by Chairman Al Lane at 9:10 a.m. on March 10, 1995 in Room 526-S of the Capitol.

All members were present except: Rep. Jill Grant - excused

Rep. David Heinemann - excused Rep. Candy Ruff - excused

Committee staff present: Jerry Donaldson, Legislative Research Department

Bob Nugent, Revisor of Statutes Bev Adams, Committee Secretary

Conferees appearing before the committee:

Bobbi Mariani, Assistant Director of the Division of Personnel Services

Jerry Magnuson, State Project Director for SHARP

Bill McGlasson, Assistant Director, Division of Personnel Services

Kyle Smith, Assistant Attorney General at the Kansas Bureau of Investigation

Kelly Jennings, Kansas Association of Public Employees (KAPE)

Others attending: See attached list

Chairman Lane announced that the committee would be meeting on Monday, March 13. There will be possible action on SB 29, SB 93, SB 103, SB 104, SB 105.

Continued hearing on:

SB 175-State officers and employees; selection, appointment and layoff

Chairman Lane asked Bobbi Mariani to stand for questions. The committee had none at this time.

Jerry Magnuson, State Project Director for SHARP, appeared to tell some of the history of this project. In late 1992, the Legislature and the Executive Branch proposed that the state do a state wide study of the personnel/payroll/benefits functions. This very expensive study was done at the end of 1992. The report was presented in January 1993. It was decided to pursue a new statewide human resource/benefits/payroll system. A proposal was written in late 1993 and the request for the proposal went through the state purchasing process. Bids were submitted and evaluated in January and February 1994. The project was started in May of 1994. From May to November an analysis was done of the way the State currently was conducting its human resource/benefits/payroll processes. They called this business process reengineering. They looked at common business practices as they apply to these main areas of human resources/payroll/benefits. From this analysis a very detailed document of how they would do business under the new system and the new processes. This is what led up to the changes contained in SB 172, SB 175 and SB 176.

Bill McGlasson, Assistant Director, Division of Personnel Services, talked about skills assessment. He stated that they use a combination of ways to assess skills. They are self reported by filling out an application, verified through the selection process, also there are some tests for certain skills. New employees are on a six months probation, and if they are not able to carry out the job skills, they are terminated. Mr. McGlasson answered question from the committee.

Kyle Smith, Assistant Attorney General at the Kansas Bureau of Investigation, (KBI) appeared at the request of Director Larry Welch of the KBI. Their requests are primarily technical amendments. The KBI has no objections to the amendments contained in <u>SB 175</u>, but thought that this might be an appropriate bill to clean up some language contained in the statute. Also they would like to amend the bill to authorize the appointment of more than one assistant director (see Attachment 1).

Kelly Jennings, KAPE, appeared as an opponent to one amendment contained in <u>SB 175</u>. The portion that KAPE opposes is found in Section 9 which appears on page 9, lines 9-25 of the bill. This part would allow an appointing authority to completely ignore an employees length of service to the state in order to expand the pool of applicants for the promotion opportunities. Without an amendment to <u>SB 175</u> which includes

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON BUSINESS, COMMERCE & LABOR, Room 526-S Statehouse, at 9:10 a.m. on March 10, 1995.

seniority as a criteria for promotions, KAPE must stand in opposition to the bill (see Attachment 2). Ms. Jennings ended her testimony by answering questions from the committee.

Because of the time, Chairman Lane continued the hearing on SB 175 to Monday, March 13.

The meeting was adjourned at 9:52 a.m.

The next meeting is scheduled for Monday, March 13, 1995.

HOUSE BUSINESS, COMMERCE & LABOR COMMITTEE GUEST LIST

DATE 3/10/95

NAME	REPRESENTING
Charles M. Yunkea	KANSAS AMERICAN LEGION
Som Smick	KDHR
Bow Johnson	US001-11ETS
Joh M. Well	Disabled Assure Vetrages
Kyle Smith	KBI
Wale Finger	KBI
Duare Water worth	Division of the Budget
Elaine trisbie	Division of the Budget
Tells Jannings	KAPE



Kansas Bureau of Investigation

Division of the Office of Attorney General State of Kansas



CARLA J. STOVALL
ATTORNEY GENERAL

TESTIMONY KYLE G. SMITH, ASSISTANT ATTORNEY GENERAL KANSAS BUREAU OF INVESTIGATION BEFORE THE HOUSE BUSINESS, COMMERCE AND LABOR COMMITTEE

REGARDING SENATE BILL 175

MARCH 9, 1995

Mr. Chairman and Members of the Committee:

I appreciate the opportunity to appear before this committee on behalf of the Director of the Kansas Bureau of Investigation, Larry Welch. I appear today, not as to the merits of SB 175, but at the request of Director Welch to offer what are primarily technical amendments.

Section 1 of SB 175 amends KSA 75-711, which is the authorizing statute creating the Kansas Bureau of Investigation (KBI). The KBI has no objections to the amendments contained in SB 175, but thought that this might be an appropriate vehicle to clean up some antiquated language contained in that statute, as well as authorize a slightly different organizational format for the KBI.

The attached balloon shows the amendments we are requesting. The amendments do essentially two things. First, they authorize the appointment of more than one assistant director, although we will have to work with Appropriations and the Department of Personnel Services as to how that and if that will ever be implemented.

The second purpose of the amendment is striking anachronistic language that was left over from programs that are no longer in existence. In particular, between lines 30 and 37, dealing with specially federally funded organized crime agents and on page 2, lines 3-4, dealing

1620 Tyler Topeka, Kansas 66612 (913) 296-8200 FAX: 296-6781 Business, Commerce o Laher 3/10/95 Attachment 1 with narcotic violation investigators which have not existed for ten years.

While this antiquated language does no real harm other than to create some confusion, we would like to take this opportunity to have it struck from the statute. Thank you for your consideration. I would be happy to stand for questions.

As Amended by Senate Committee

Session of 1995

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SENATE BILL No. 175

By Committee on Ways and Means -

2-1

AN ACT concerning state officers and employees; relating to the selection, appointment and layoff; amending K.S.A. 75-711, 75-2925, 75-2926, 75-2938, 75-2939, 75-2940, 75-2942, 75-2944, 75-2945, 75-2947, 75-2948 and 75-5605 and K.S.A. 1994 Supp. 75-2943 and 75-2955 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 75-711 is hereby amended to read as follows: 75-711. There is hereby established, under the jurisdiction of the attorney general, a division to be known as the Kansas bureau of investigation. The director of the bureau shall be appointed by the attorney general, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto, and shall have special training and qualifications for such position. In accordance with appropriation acts, the director shall appoint agents who shall be trained in the detection and apprehension of criminals. The directorx XXXX appoint XXX assistant &XXXXX who shall have the qualifications of an agent The director may also may appoint a special assistant and, in accordance with appropriation acts, such administrative employees as are necessary for the efficient operation of the bureau. It's *来实*的文章的文章的文章的文章的形式,因为我们还是不够不够的一个,他们就是这个人的一个人。 THE REPLECE AND SECRET NANCONTINAL MICHAEL MARKET PAR MONTH PAR MONTH PROPERTY AND MICHAEL MARKET MARK KANG BER HARI BERKET KERANG KANGKANG KANGKAN KANGKAN BERKETA KANG KANGKAN KANGKAN BERKETAN KANGKAN KAN *ቑ፞፞ጞጜ፟ጜጜጜጜጜጜዀቝጜቚዀኯጜ*ዺጜ*ቚጜጜጜጜጜጜዀቑ* ፠ኇ፠ኯ፞፞፞፞፞፞፞ቔጜጜዼኯቑ፟ኯ፟፠ኇኯኯኯጜዹጜ፞ጜኯኯቑጜ sition within the Kansas bureau of investigation if the person has been convicted of a felony.

The director, special assistant and any assistant attorneys general assigned to the bureau shall be within the unclassified service under the Kansas civil service act. The assistant director and all other agents and employees of the bureau shall be in the classified service under the Kansas

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civil service act and their compensation shall be determined as provided in the Kansas civil service act and shall receive actual and necessary ex-**父议孙宇宪评队对领导以 汉邓ק界以 导体X股邻种英式 效为以 发动从此间 为成以**

If a person who is appointed as director was a member of the bureau at the time of appointment as director, the person, upon the expiration of the term as director, shall be returned to the permanent regular classified position under the Kansas civil service act that the person held at the time of appointment as director. If the position is filled at that time, a temporary additional position shall be created for the person until a vacancy exists in the position. While serving in the temporary additional position, the former director shall continue to be a contributing member of the retirement system for the agents of the Kansas bureau of investigation under which the former director was covered while serving as

Each agent of the bureau shall subscribe to an oath to faithfully discharge the duties of such agent's office, as is required of other public

officials. Sec. 2. K.S.A. 75-2925 is hereby amended to read as follows: 75-2925. The general purpose of this act is to establish a system of personnel administration that meets the social, economic and program needs of the people of the state of Kansas as these needs now or in the future may be established. This system shall provide means to recruit, select, develop and maintain an effective and responsible work force and shall include policies and procedures for employee hiring and advancement, training and career development, job classification, salary administration, retirement, fringe benefits, discipline, discharge and other related activities. All personnel administration actions regarding employees in the state classified service shall be made without regard to race, national origin or ancestry, religion, political affiliation, or other nonmerit factors, and shall not be based on sex, age or physical disability except where sex, age or physical requirements constitute a bona fide occupational qualification necessary to proper and efficient administration. Personnel administra-33 tion actions shall be based on merit principles and fitness to perform the work required and shall provide fair and equal opportunity for public 36

Sec. 3. K.S.A. 75-2926 is hereby amended to read as follows: 75-2926. As used in the Kansas civil service act, unless the context otherwise indicates:

(1) (a) "Board" means the state civil service board.

(2) (b) "Director" means the director of personnel services.

(3) (c) "Eligible" includes a person who is on in an employment list pool and qualified for appointment, promotion, reinstatement or reem-







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

KELLY JENNINGS Representing Kansas Association of Public Employees In Opposition to Senate Bill 175 March 8,1995

Mr. Chairman and members of the committee, good morning. My name is Kelly Jennings, and I represent the Kansas Association of Public Employees. I appear here this morning in behalf of KAPE to testify in opposition to Senate Bill 175.

Senate Bill 175 seeks to amend portions of the current statutory mandates regarding the selection, appointment, promotion, lay-off, and reappointment of employees in the service of the State of Kansas.

Both KAPE and the Department of Administration share the common vision of an employment system which insures to the state the highest quality, properly compensated, and most productive work force possible. Such a system should be designed to give all interested and qualified citizens an equal opportunity for state employment and eliminate, to the greatest extent possible, the potential for abuse within the system. Most of the provisions of

Business, Commerce & Lahar 3/10/95 this bill are proposed to provide the framework necessary to make those goals attainable.

The portion of S.B. 175 that KAPE opposes may be found in Section 9 'which appears on page 9, lines 9-25 of the bill.

Currently an employee's length of service to the state is not controlling, but is one of several factors which are taken into consideration when promotional opportunities arise. This bill would allow an appointing authority to completely ignore this criteria in order to expand the pool of applicants for the promotion opportunities.

In KAPE's view, such a practice sends the very negative message to state employees that the promotional system may be manipulated, and their loyalty and career commitment to the state may count for nothing at promotion time.

In the alternative, a system which relies more heavily on objective, measurable criteria, such as seniority, sends two messages. First, that the system attempts to eliminate opportunities for discrimination; and second, that the state appreciates loyalty, and intends to reward that loyalty with special consideration.

KAPE does not propose that long term service to the state be a replacement for promotional qualifications. But if an employee is properly qualified, their career commitment to the state should carry with it some value. Under such a system, all employees would know that their qualifications, coupled with their years of satisfactory service, will pay a dividend. That single change could provide a tremendous boost to morale, a corresponding effort at greater productivity, and lower turnover among all state employees. Such a practice would truly be an example of a "win-win" proposition. The state would fill a promotional vacancy with a qualified employee who had demonstrated a prior commitment to state service, and the employees would feel a greater sense of loyalty and commitment to a thankful employer.

Without an amendment to S.B. 175 which includes seniority as a criteria for promotions, KAPE must stand in opposition to S.B. 175.

Thank you for your consideration and I will be happy to answer any questions you may have.