

SESSION OF 2007

**SUPPLEMENTAL NOTE ON
SUBSTITUTE FOR HOUSE BILL NO. 2462**

As Recommended by House Committee on
Veterans, Military and Homeland Security

Brief*

Sub. for HB 2462 would amend the statute on veterans preference. The bill would:

- Define “veteran” to clarify who would qualify to assert the veterans preference to include:
 - A veteran who served in the armed forces (Army, Navy, Air Force, Coast Guard and Marine Corps) during the time periods specified in the bill and is honorably discharged;
 - A veteran who is honorably discharged and has a service-connected disability, has been issued the Purple Heart, or has been released from active service with a service-connected disability;
 - The spouse of a veteran who has a 100 percent service-connect disability;
 - The unremarried spouse of a veteran who died while, and as a result of, serving in the armed forces; and
 - The spouse of a prisoner of war.

- Clarify that, for the purposes of this Act, “veteran” does not include any person who retired from the military with a pay

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

grade of 04 or above, unless the person retired due to wounds received in combat;

- Clarify that the veterans preference would not apply to:
 - An office filled by election;
 - Persons appointed to fill vacancies in offices filled by election;
 - The personal secretary of an elected officer or officer appointed to fill the vacancy of an elected officer;
 - Temporary employees without benefits;
 - Department heads;
 - Positions that require licensure as a physician, an osteopathic physician, and a chiropractic physician;
 - Positions that require the employee to be admitted to practice law in Kansas;
 - Key employees specifically hired for an at will position, a non-classified position, and positions in the unclassified service of the State;
 - Jobs held by a patient, inmate or student enrolled at a state institution; and
 - Temporary or casual employment positions.

- Define “competent” to mean a good faith determination that the person is likely to successfully meet the performance standards of the position based on a reasonable person standard;

- Clarify the veterans preference applies to initial employment and first promotion in state, county or city employment in Kansas;
- Require the veteran choosing to use veterans preference to provide the hiring authority a copy of the veteran's DD-214 form (The Defense Department issues to each veteran a DD-214, identifying the veteran's condition of discharge such as honorable, general, other than honorable, dishonorable or bad conduct);
- Require the hiring authority to consider experience, training, education, licensure, certification and other factors in determining the applicants overall qualification and ability to successfully meet the performance standards of the position;
- Require the hiring authority to document such factors prior to the initiation of the selection process;
- Require the hiring authority to include in notices of job openings, if any, that the hiring authority is subject to a veteran's preference, how the veteran's preference works, and how veterans may take advantage of the preference;
- Require the hiring authority, at least 30 days prior to announcing the intent to fill a position, post a written statement of:
 - The qualifications for the position;
 - Any preferred qualifications for the position;
 - Performance standards for the position; and
 - The process that will be used for selection.
- Require the state, county, and city employment center or human resources department, if any, to openly display

documents that indicate that veterans are eligible for a preference in their initial employment and first promotion;

- Require written notice served by certified mail or personal service, within 30 days of filling a position, to an eligible veteran who has applied for employment but was not hired that the veteran has not been chosen for employment and that an administrative appeal, if any, is available;
- Authorize an eligible veteran who alleges the state, county or city has not provided the veterans preference as required by this Act, after exhausting any available administrative remedy, to bring an action in district court;
- Authorize reasonable attorney fees if a court or a jury finds the state, county or city has failed to provide the veterans preference to an eligible veteran;
- Clarify this Act is to be construed to operate in harmony with federal law or a limitation provided by a federal grant if there is a conflict;
- Require the Division of Legislative Post Audit conduct an audit of the Kansas veterans preference law and submit an audit report at the commencement of the regular session of the Legislature in 2010.

Background

The proponents of the bill, as introduced, included Representative L. Candy Ruff; John Straham, Attorney; Larry Rebman, Attorney; Ralph Sorrel, Leavenworth Police Department; George Webb, Kansas Commission on Veterans' Affairs; George Vega, Director of Personnel Services for the State. Written testimony in support for the bill as introduced was received from Theodore Sutton, Citizen.

The opponents of the bill, as introduced, included Chief Lee Doring, Leavenworth Police Department; Daniel Miller,

Army Veteran; Commissioner Brian Grittmann, Leavenworth; Glenn Griffeth, Attorney.

A subcommittee was formed by Chairperson Don Myers to work on the bill. The subcommittee consisted of Representative Mario Goico, Chair; Representative Pat Colloton, Representative Barbara Craft, Representative Raj Goyle, Representative Richard Proehl, and Representative L. Candy Ruff. The work of the subcommittee was incorporated in Sub. for HB 2462.

The fiscal note from the Division of Budget states that passage of the bill, as introduced, would have no fiscal effect on the state budget.