

Testimony IN OPPOSITION to HB 2391
Before the House Committee on Commerce, Labor, and Economic Development
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Chairman Hutton and Members of the Committee:

I am a correctional officer at a major correctional facility in Kansas. I also represent some 3,500 correctional and security workers as the Unit 6 representative of the Kansas Organization of State Employees. I am a former Army officer, a 3rd generation police officer and retired from the Federal Aviation Administration after 25 years of service as an Air Traffic Controller. I spent 18 of those years representing controllers as a steward for the National Air Traffic Controllers Association and the rest as a supervisor. I came in to Kansas state service in 2007 when I decided to return to law enforcement, my traditional family business. My wife and daughter are currently police officers in Kansas jurisdictions. I have other family working in, or retired from, the Kansas Department of Corrections.

I address you today in opposition to HB2391. This bill can only be described as a "Takeaway" document. It hurts the state worker with three changes which inspire the state employee to do one of two things: Go look for a new job, or, do as little as possible and still keep your job. In Corrections, a large part of the workforce with less than ten years' experience is doing the former and studying the latter. For the life of me, I cannot understand why the legislature would contribute to this dynamic. If you doubt me as to correctional officers leaving Kansas state employment, simply look at the job opportunities in corrections on the Kansas State Employment Center website. Nearly every state correctional facility is advertising for correctional officers. El Dorado and Topeka have had listings with no closing dates for months. Kansas Correctional officers are also in the bottom 10-15% in pay for the U.S. So, does it make any sense to change other benefits in a manner that the employee can only interpret as negative? Of course not.

As to those changes in HB2391, I wish to address them on an individual basis. First, shared leave. Although the wording proposed more accurately describes a qualified illness to be a "life threatening illness", it takes the human factor out of shared leave in two manners;

- 1) Compassion after survival- Let's say that an employee is critically injured with a head injury in a car accident, threatening their life. The employee goes into coma, uses up their accrued sick leave, but is granted shared leave since their life is in danger. The employee awakens. Life "out of danger". Under the definition in the bill, shared leave ends although the employee may face months

of rehab or reconstructive surgery which bars return to work. Is this compassion for the employee or merely delaying their suffering?

- 2) Removing Human Oversight- My personal interpretation of the bill is that the middle agent, the “appointing authority”, is removed from the decision making process. In my opinion, that authority, that boss, will have a great deal more knowledge of the needs of the employee and their family than an anonymous committee discussing their fate in teleconference. Could abuse of the program take place by an unscrupulous official who supervises the injured employee? Absolutely, but I believe that the oversight committee would see, and resolve, that instance.

I ask you to reconsider the wording of Section 3 of the bill and return it to committee. Please put the human element back into shared leave.

Second, Classified/Unclassified positions. During this legislative year, the major topic which has impacted every discussion over every subject brought to the Legislature has been money. Money for this. Money for that. Money, money, money. We’ve cut our budgets to the bone to save money. In the case of corrections, in my opinion, we have cut to the point where we have amputated a part of our mission. Of course, what does that have to do with Classified or Unclassified positions. The short answer is Due Process. My job is a classified position. A pay scale is set. My rights under state law, and the KOSE contract, are guaranteed. A procedure is set if a layoff is to occur. I have a sense of security under those rules. As an unclassified worker, many of those things go flying out the window. The only good thing I could see happening would be the advantage of pay being based on experience and ability. But then, would we be going back to the future? Maybe we should be reminded that a large part of the labor movement was caused by abuse of the pay negotiation system and the “Good ole boy” system. It is a sorry fact that the problems which exist with an Unclassified job in the 1950’s still exist with an Unclassified job post-2000 and today.

I have a college degree, seven years’ experience as a police officer and eight years as a correctional officer. If, as an Unclassified correctional officer, I was paid \$13.61 per hour (Current entry pay) and a 21 year old college graduate with a shiny new certification was hired in the same job classification at \$17.50 per hour, I would be livid. My choices would be limited to quitting or suing the state for age discrimination. I would, of course, be terminated for some petty excuse.

The fact remains that, as Classified employees, we have Due Process. As Unclassified employees, our rights, and choices, are limited. We would be forced to turn to the legal system to obtain resolution. And, as you are sorely aware, lawsuits cost money. Due Process saves a great deal of time, trouble and money. As a KOSE steward, I can honestly say that Due Process is saving the state money.

Lastly, I come to Longevity Pay. Recently, I asked a 30 year veteran officer I’ll call Gilbert to send me an e-mail about pay and benefits, including longevity, in his own

words. This officer is one whom I respect. He is fair. Fair to his co-workers, fair to his supervisors and fair to the inmates. Gilbert is not a learned man, never graduating from high school. He is, as you shall hear, a pragmatist about the Kansas Department of Corrections and its newer employees. Gilbert's views should clue you in to why we should treasure and reward the veteran state employees instead of taking benefits away from them. This is what he had to say;

"I am no good at computer stuff but if you want to forward my story you know what it is. 30 years service. Stabbed 3 times. Battered numerous times. Awarded the valor pin. etc. We need better pay because honestly it is getting scary working with some of the staff that we are having to hire. I have been a supervisor for over 10 years and the quality of the people that are being hired is so low that I believe 95 percent of them would have never been considered for employment at KSP in 1985 when I was hired. And if they were hired wouldn't have made it 3 months. When there were step increases every year it gave someone being hired something to look forward to and something to work towards. That has changed. Now the new employee's attitude seems to be, 'Its a paycheck or a stepping stone and only do the bare minimum.' which I see as a dangerous situation. We need better pay and incentives, like longevity, to keep the good staff and weed out the bad. Don't know what I can do to help. But am willing to do what I can."

In my opinion, at my facility, there are a significant number of senior staff between the age of 50 and 60 who are debating retirement in their minds...teetering on the brink, so to say. Gilbert is one of these. Most stay on because of the need for medical insurance coverage. But with the advent of Obamacare, many are reconsidering retirement. In these cases, the 400 to 1,000 dollars they receive in longevity pay is the deciding factor in their staying in state service. In a business like corrections where experience "inside the walls" is critical, longevity pay could be deciding factor in saving the life of an inmate or a staff member. That life saved through the experience of a veteran corrections employee like Gilbert. It is worth every cent and must be funded in whole.

I wish to thank you for the time you have afforded me on this bill. I recognize that there are good intentions in parts of it. I also recognize that as legislators, and not correctional officers, you do not recognize, or are aware of, the small things which are the difference between working for the state and resigning to seek greener pastures. I believe that the Secretary's office announced the KDOC turnover rate as 17%. At my facility, it is more like 37% and rising. Reduction of state benefits do not help those numbers improve.

Ford is hiring 1,500 new employees. Empty storefronts in eastern Kansas are filling. Unemployment is down. Opportunity is up. Representatives, I remind you again to check out the Kansas State Employment Center and ask yourselves why those advertisements for correctional officers and troopers exist. It is not because we have the best pay and benefits in America. Please consider that during your deliberations. I thank you for your time and will answer any questions you may have.