



To: House Committee on Commerce, Labor and Economic Development

From: Nicole Proulx Aiken, Legal Counsel

Date: May 11, 2015

Re: HB 2426

Thank you for allowing me to testify today on behalf of the League of Kansas Municipalities and its member cities. This bill would limit the amount of vacation time KPERS employees can accrue and change the KPERS and KP&F final average salary calculation for pre-1993 employees. The League opposes this bill for several reasons.

First, section 1 of the bill, which does not allow KPERS employees to accrue more than 240 hours of vacation time, preempts local control and is an unnecessary mandate on cities. The amount of vacation time earned, how much can be accrued, when it can be used, and how it is paid out upon an employee's termination or retirement has always been decided by an individual employer's personnel policy. The amount of vacation provided to employees varies from city to city. Some cities choose to cap vacation time at 240 hours or below. Other cities have found that a cap higher than 240 hours is needed to hire and retain the most qualified employees. Just like there is no state or federal law requiring employers to provide vacation time, there should not be a state mandate requiring employers to limit the amount of vacation time an employee can accrue. This decision should remain with the individual employer.

Second, changing the KPERS and KP&F final average salary calculation for pre-1993 employees places many vital city services at risk. The League has heard from many cities that are concerned about this legislation. The largest worry is that cities will experience a mass exodus of seasoned pre-1993 employees they rely upon to provide essential services. Many of these employees, especially in rural areas, cannot easily be replaced. Citizens will likely see a disruption in services as qualified, competent employees quickly retire to avoid the effects of this bill.

For these reasons, the League asks this Committee not to report HB 2426 favorable for passage. Thank you again for allowing me to testify today.