



**State Employees Association
Of Kansas
P. O. Box 4091
Topeka, KS 66604
(785) 267-1515**

**Testimony before the Senate Committee Commerce
Relating to HB 2391
March 31, 2015**

Madam Chair and members of the committee, my name is Gary Adkins and I am Executive Director of the State Employees Association of Kansas. Thank you for the opportunity to present testimony today relating to HB 2391.

Today I speak in opposition to HB 2391. It is our opinion that it is unnecessary and does more harm than good. Proponents of the bill state that use of unclassified positions make it easier to offer competitive salaries, yields greater efficiency in hiring and allows greater ease in terminating unsatisfactory employees. I contend all of these elements are present in our current civil service system.

Issues relating to offering competitive salaries is a function of the appropriation process. The Office of Personnel Services is required to conduct market studies on salaries for one third of classified positions each year. This provides information as to the adequacy of state salaries for attracting and retaining quality employees. Each position in classified service is then placed in a salary matrix. The problem is that the legislature has failed for the past several years to fund necessary movement within the salary matrix. Interesting enough, new hires can be placed at any position in the matrix, thus some new employees are making more than existing, more experienced staff. If this bill were to pass it could lead to salary inequality both within and among agencies.

The point that moving positions to unclassified for ease of hiring is also problematic. If there are inefficiencies in the current civil service system hiring process, I suggest it would be better to fix the existing system rather than to establish a system in which cronyism may become the rule.

The contention that it is difficult to terminate unsatisfactory employees is simply false. Yes, there is a process under civil service that take some time to accomplish. It

requires progressive disciplinary procedures which include performance reviews, employees counseling sessions, and, should these steps not achieve the desired result, terminations. Employees then are afforded the opportunity to have their case heard before the Civil Service Board. Does this process take time and effort? Of course it does. But this process, honed over time, protects the state as an employer from wrongful termination actions and protects the employee from supervisors who are not acting in good faith. The investment in time seems a fair trade-off in insuring fair and equitable treatment of employees as well as long-term cost savings to the state as an employer. I would contend that anyone who says it is impossible to terminate unsatisfactory state employees is simply not doing their job.

In closing, I would ask you to contemplate why civil service was established in the first place. Prior to 1941, all positions were “at will” and with each election came new opportunities for patronage. In the late 30s, it was not uncommon to have 300-400 job seekers waiting in hallways to see about landing a patronage position. Governor Huxman commented that one of every 34 voters applies for state positions. He had received 30,000 applications to fill 3,500 state jobs. In Governor Ratner’s second term, there was an attempt to assure state personnel were 100% Republican.ⁱ

State workers are called upon to fairly administer state laws, rules and regulations. They should be able to perform these duties without fear of reprisal or undue political pressure. Individuals in unclassified positions may not have the necessary freedom to take on this task because they may be terminated without any due process protection. This could lead to decisions made not by rule of reason, but by political persuasion.

I will be happy to address any questions you may have.

ⁱ The source for the historical information is the Kansas Legislative Council’s Report and Recommendations and Recommendations of 1944 to the 1945 Legislature. The report contains information on the first 18 months of the Civil Service Act as well as interesting historical information regarding passage of the act.