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Lana Gordon, Secretary

Justin McFarland
Deputy General Counsel
Labor Market Information Services Director

Sam Brownback, Governor

March 31, 2015

**Testimony before the Senate
Committee on Commerce**

House Bill 2391

Chairwoman Lynn, President Wagle, and Honorable Members of the Committee:

The Kansas Department of Labor supports House Bill 2391 as amended and urges its passage by the committee. HB 2391 modernizes the State's workforce, allowing agencies to place newly hired employees into the unclassified service. The unclassified service offers agencies and employees greater flexibility with regard to promotion, duty assignments, and compensation.

Importantly, if an agency is required by federal law to maintain personnel standards on a merit basis, such agency shall adopt a binding statement of agency policy to satisfy such requirements. For your review, I have attached a copy of KDOL's binding policy for operating a merit personnel system. The principles outlined in KDOL's policy mirror federal regulations, and can be used by other agencies if they chose to convert unfilled positions from unclassified to classified.

As always, I am available to answer any questions or to further discuss the benefits of passing HB 2391.

Thank you for your favorable consideration of HB 2391.

Respectfully submitted,

Justin McFarland

DIRECTIVE NUMBER: 300-25-12

DATE: March 12, 2013

TO: Kansas Department of Labor Employees

FROM: Lana Gordon, Secretary of Labor

SUBJECT: Policy on Merit System for Employees

Pursuant to K.S.A. 2011 Supp. 77-415(b)(2)(B), and amendments thereto, the following terms and conditions relating to employment shall apply to all Kansas Department of Labor (KDOL) employees in a position that directly involves: (1) the determination of whether a claimant will be paid benefits; (2) the determination of an employer's liability for contributions; or (3) hearing first level appeals:

- (a) The recruiting, selecting, and advancing of such KDOL employees shall include consideration of the employee's relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment;
- (b) KDOL will provide equitable and adequate compensation for such employees;
- (c) KDOL will provide training for such employees, as needed, to assure high quality performance;
- (d) Determinations involving whether such employees will be retained shall include consideration of the adequacy of the employee's performance and whether the employee has had a reasonable opportunity to correct inadequate performance. KDOL shall separate employees whose inadequate performance cannot be corrected;
- (e) KDOL shall provide fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, religious creed, age or handicap and with proper regard for their privacy and constitutional rights as citizens. This "fair treatment" principle includes compliance with the Federal equal employment opportunity and nondiscrimination laws; and
- (f) Such KDOL employees shall be protected against coercion for partisan political purposes and such KDOL employees are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.

This policy amends and replaces policy 300-25-12 issued February 11, 2013.

Lana Gordon, Secretary of Labor
Signature on file