

HOUSE BILL No. 2286

By Committee on Higher Education

2-11

AN ACT concerning the state board of regents and state educational institutions under the control and supervision of the state board of regents; establishing the higher education classified staff personnel system; providing for assistance for retirement annuities for certain officers and employees; prescribing certain powers, duties and functions for the state board of regents; amending K.S.A. 74-4925, 74-4925e and 75-2938 and K.S.A. 2002 Supp. 75-2935 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a)(1) The provisions of this section shall be known and may be cited as the higher education classified staff personnel system act.

(2) As used in this section, "state educational institution" means the university of Kansas, university of Kansas medical center, Kansas state university of agriculture and applied science, Wichita state university, Emporia state university, Pittsburg state university and Fort Hays state university; and "higher education classified staff" means all persons who are officers and employees of the state board of regents or of a state educational institution and who are not in the unclassified service under the Kansas civil service act.

(b) (1) The general purpose of the higher education classified staff personnel system is to establish a system of personnel administration that meets the needs of the state board of regents and the state educational institutions thereunder to assist in performing the powers, duties and functions thereof. In accordance with this section, the state board of regents shall design, develop, implement and administer the higher education classified staff personnel system to meet the higher education classified staff needs of the state educational institutions. The state board of regents shall adopt policies and procedures and may adopt rules and regulations to establish the higher education classified staff personnel system for the persons who are employed by the state board of regents and the state educational institutions of the state board of regents and who are not in the unclassified service under the Kansas civil service act. The higher education classified staff personnel system shall include a person-

1 nel plan under which appointments and promotions are made according
2 to merit and fitness and are determined, so far as practicable, on a com-
3 petitive basis, and a formal pay plan as prescribed by this section.

4 (2) The higher education classified staff personnel system shall pro-
5 vide means to recruit, select, develop and maintain an effective and re-
6 sponsible work force of higher education classified staff and shall include
7 policies and procedures for hiring and advancement, training and career
8 development, job classification, salary administration, retirement, fringe
9 benefits, discipline, discharge and other related activities. All personnel
10 administration actions regarding employees under the higher education
11 classified staff personnel system shall be made without regard to race,
12 national origin or ancestry, religion, political affiliation or other nonmerit
13 factors. Personnel administration actions shall be based on merit princi-
14 ples and fitness to perform the work required and shall provide fair and
15 equal opportunity for public service as members of the higher education
16 classified staff.

17 (3) The state educational institutions that have been approved by the
18 state board of regents for participation under the higher education clas-
19 sified staff personnel system pursuant to this section shall receive funding
20 for the higher education classified staff personnel system as additional
21 funding within the base funding state university operating grants provided
22 under the Kansas higher education coordination act.

23 (c) (1) There is hereby established the higher education classified
24 staff pay program which shall be developed, implemented and adminis-
25 tered by the state board of regents as part of the higher education clas-
26 sified staff personnel system in accordance with this section and the pro-
27 visions of appropriation acts. Subject to the provisions of appropriation
28 acts, the state board of regents is hereby authorized to establish and im-
29 plement separate classified staff pay rate plans for the positions and job
30 classes of the classified staff at one or more state educational institutions
31 approved by the state board of regents for the higher education classified
32 staff personnel system.

33 (2) The effective date of the higher education classified staff person-
34 nel system for a state educational institution shall be the first day of the
35 first payroll period chargeable to the first fiscal year commencing after
36 the state board of regents approves the state educational institution for
37 such purpose under this section, except that no effective date of the
38 higher education classified staff personnel system for a state educational
39 institution shall occur prior to the first day of the first payroll period
40 chargeable to the fiscal year ending June 30, 2005.

41 (d) Subject to the provisions of appropriation acts, the higher edu-
42 cation classified staff pay program shall provide higher education classi-
43 fied staff pay plans composed of broad band pay rates for all persons in

1 higher education classified staff positions at state educational institutions
2 approved by the state board of regents for participation under the higher
3 education classified staff personnel system. The broad band pay rates
4 under the higher education classified staff pay plans shall be designed to
5 meet the requirements of market conditions, different job skill require-
6 ments and different levels of responsibility for all higher education clas-
7 sified staff jobs and positions with respect to recruiting and retention and
8 providing appropriate salary and overall compensation for higher educa-
9 tion classified staff of the state educational institutions approved therefor.
10 The higher education classified staff pay plans shall be defined by spec-
11 ified minimum and maximum pay rates per payroll period. Each higher
12 education classified staff pay plan shall be implemented at the state ed-
13 ucational institution for which it is designed so that the biweekly pay rates
14 of the higher education classified staff officers and employees in effect
15 on the day preceding the effective date of the pay plan are not reduced,
16 except that such biweekly pay rates shall be subject to the policies and
17 procedures adopted for the administration of the higher education clas-
18 sified staff pay program.

19 (e) The state board of regents shall adopt policies to implement the
20 provisions of the higher education classified staff personnel system, in-
21 cluding developing and disseminating information to classified staff at
22 state educational institutions to explain the system to higher education
23 classified staff.

24 (f) At the beginning of the 2005 regular session of the legislature and
25 of each regular session of the legislature thereafter, the state board of
26 regents shall submit a written report to the legislature and to the governor
27 describing the results of implementing the higher education classified
28 staff personnel system at each state educational institution which was ap-
29 proved therefor during the preceding twelve-month period. The report
30 shall include descriptions of the primary elements of each implementation
31 at each such state institutional institution and the progress and results of
32 the higher education classified staff pay program at each state educational
33 institution for which it was implemented as of the date of the report.

34 Sec. 2. K.S.A. 74-4925 is hereby amended to read as follows: 74-
35 4925. (1) The state board of regents shall:

36 (a) (i) Assist all those members of the faculty and other persons (A)
37 who are employed by the state board of regents or by educational insti-
38 tutions under its management and who are in the unclassified service
39 under the Kansas civil service act as provided in subsection (1)(f) of K.S.A.
40 75-2935 and amendments thereto, except health care employees, as de-
41 fined by subsection (1)(f) of K.S.A. 75-2935 and amendments thereto, or
42 (B) who are employed by an educational institution under the manage-
43 ment of the state board of regents that has been approved by the state

1 *board of regents for participation in the higher education classified staff*
2 *personnel system under section 1, and amendments thereto, and who are*
3 *not in the unclassified service under the Kansas civil service act, in the*
4 *purchase of retirement annuities for their service rendered after Decem-*
5 *ber 31, 1961. Effective on the first day of the first payroll period com-*
6 *mencing with or following July 1, 1994, county extension agents employed*
7 *by Kansas state university under K.S.A. 2-615 and amendments thereto*
8 *shall be eligible for assistance by the state board of regents in the purchase*
9 *of retirement annuities under this section. (ii) The state board of regents*
10 *shall not assist any such person who is employed after December 31,*
11 *1961, until such person has been employed for a waiting period of at least*
12 *one year except that ~~(i)~~ (A) the state board of regents may assist any newly*
13 *employed person immediately if at the time of the commencement of*
14 *employment the person is covered by a valid retirement annuity contract*
15 *issued by a company described in subsection (2) which was entered into*
16 *pursuant to a retirement pension plan adopted for faculty members or*
17 *other persons, or both, employed by an institution of higher education*
18 *and to which such person or such person's employer on such person's*
19 *behalf has been making contributions for at least one year, and ~~(ii)~~ (B)*
20 *all periods of employment with ~~(A)~~ participating employers under the*
21 *Kansas public employees retirement system, for which employment partic-*
22 *ipating service credit accrued; or ~~(B)~~ employment with institutions of*
23 *higher education in other states for which employment retirement ben-*
24 *efits accrued under a retirement system or plan provided for such em-*
25 *ployment, shall be credited toward satisfaction of such one-year waiting*
26 *period if served, in either case, during the five years immediately pre-*
27 *ceding employment with the state board of regents or with an educational*
28 *institution under its management in the unclassified service under the*
29 *Kansas civil service act as provided in subsection (1)(f) of K.S.A. 75-2935*
30 *and amendments thereto, in addition to such employment with the state*
31 *board of regents or with an educational institution under its management;*
32 *no period of employment as a student employee, as a seasonal or tem-*
33 *porary employee or as a part-time employee, whose employment requires*
34 *less than 1,000 hours of work per year, shall be credited toward the one-*
35 *year waiting period under subsection (1)(a); this act shall not apply to*
36 *persons employed in such temporary and part-time positions designated*
37 *by the state board of regents as exceptions hereto;*

38 (b) require such members of the faculty and others described in sub-
39 section (1)(a) who are so assisted by the state board of regents to con-
40 tribute an amount toward the purchase of such retirement annuities of
41 5.5% of their salaries, such contributions to be made through payroll
42 deductions and on a pretax basis;

43 (c) contribute an amount toward the purchase of such retirement

1 annuities equal to the percentage amount, as prescribed by K.S.A. 74-
2 4925e and amendments thereto, of the total amount of the salaries on
3 which such members of the faculty and others described in subsection
4 (1)(a) contribute during such period for which the contribution of the
5 state board of regents is made;

6 (d) provide, under such rules and regulations as the state board of
7 regents may adopt, for the retirement of any such member of the faculty
8 or other person described in subsection (1)(a) on account of age or con-
9 dition of health, retirement of such member of the faculty or other person
10 described in subsection (1)(a) on account of age to be not earlier than the
11 55th birthday and prior to January 1, 1994, not later than the end of the
12 academic year following the 70th year. On and after January 1, 1994, there
13 shall be no mandatory retirement on account of age. Any person who
14 retires under this section and who receives benefits from the Kansas pub-
15 lic employees retirement system for prior service credit shall have such
16 benefits calculated in accordance with the applicable provisions of K.S.A.
17 74-4914 and 74-4915 and amendments thereto.

18 (2) For the purposes of this section the state board of regents may
19 contract with:

20 (a) Any life insurance company authorized to do business in this state;
21 or

22 (b) any life insurance company organized and operated without profit
23 to any private shareholder or individual exclusively for the purpose of
24 aiding and strengthening educational institutions by issuing insurance and
25 annuity contracts only to or for the benefit of such institution and indi-
26 viduals engaged in the services of such institutions, whether or not such
27 company is authorized to do business in Kansas. No premium tax or in-
28 come tax shall be due or payable on such annuity contract or contracts
29 for such retirement programs issued by a company described in this sub-
30 section (2)(b), except that neither the purchase nor the issuance of such
31 retirement annuities from or by a company described in this subsection
32 (2)(b) shall constitute the effecting of a contract of insurance.

33 (3) (a) Such member of the faculty or other person described in sub-
34 section (1)(a) shall also be a member of the Kansas public employees
35 retirement system, but only for the purpose of granting retirement ben-
36 efits based on prior service only which was rendered prior to January 1,
37 1962, which shall be credited to the member as provided in subsection
38 (1) of K.S.A. 74-4913 and amendments thereto, except that such member
39 of the faculty or other person described in subsection (1)(a) who was
40 employed prior to July 1, 1962, who has not yet retired and who is em-
41 ployed on July 1, 1988, on an academic year contract, shall receive credit
42 for 12 months of prior service for each nine months of prior service for
43 which such member or person was employed on an academic year con-

1 tract prior to July 1, 1962. For the purpose of determining eligibility for
2 a vested benefit, service by such a member of the faculty or other person
3 after December 31, 1961, shall be construed to be credited service under
4 subsection (2) of K.S.A. 74-4917 and amendments thereto.

5 (b) Any member of the faculty or other person described in subsec-
6 tion (1)(a) who retires after 10 years of continuous service immediately
7 preceding retirement shall be granted a retirement benefit based on prior
8 service only which was rendered prior to January 1, 1962. Application for
9 such benefit shall be in such form and manner as the board shall
10 prescribe.

11 (4) For the purpose of establishing a procedure whereby the state
12 board of regents and any member of the faculty or other person described
13 in subsection (1)(a), subject to rules and regulations of the state board of
14 regents, may take advantage of section 403(a) or (b) of the federal internal
15 revenue code of 1986 or any other section of the federal internal revenue
16 code of 1986 which defers or excludes amounts from inclusion in income,
17 any member of the faculty or any other person described in subsection
18 (1)(a), whether or not such person has satisfied the one-year waiting pe-
19 riod requirement under subsection (1)(a), may request in writing that the
20 state board of regents reduce such person's annual salary, as fixed by the
21 board, in an amount equal to not less than 5% nor more than the per-
22 centage allowed under section 403(b) of the federal internal revenue code
23 of 1986, as designated by such member of the faculty or other person
24 described in subsection (1)(a), of the gross amount of such annual salary.
25 In the event of such request by a faculty member or other person who is
26 required to make the contribution as provided in subsection (1)(b), such
27 person shall not be required to make such contribution and the state
28 board of regents shall provide a sum equal to the percentage amount, as
29 prescribed by K.S.A. 74-4925e and amendments thereto, of the gross
30 annual salary of the member of the faculty or other person and shall
31 purchase for and on behalf of each such person whose salary has been so
32 reduced a retirement annuity contract or contracts, the annual premiums
33 for which shall be equal to the sum of the amount of the salary reduction
34 of the member of the faculty or other person and the amount paid by the
35 state board of regents. In the event of such request by a faculty member
36 or other person who is serving the one-year waiting period pursuant to
37 subsection (1)(a) who is not required to make the contribution as provided
38 in subsection (1)(b), the state board of regents shall purchase for and on
39 behalf of each such person whose salary has been so reduced a retirement
40 annuity contract or contracts, the annual premiums for which shall be
41 equal to the sum of the amount of the salary reduction of the member
42 of the faculty or other person, but the state board of regents shall not
43 provide the sum equal to the percentage amount, as prescribed by K.S.A.

1 74-4925e and amendments thereto, of the gross annual salary of such
2 person as provided for such person who is required to make the contri-
3 bution as provided in subsection (1)(b). Such retirement annuity contracts
4 may be purchased by the state board of regents from companies described
5 in subsection (2)(a) and subsection (2)(b) or from noninsurance compa-
6 nies who offer retirement plans that meet the requirements of section
7 403(b) of the federal internal revenue code of 1986, except that the state
8 board of regents may require that the first 5% of the gross amount of
9 such person's annual salary which is reduced under this subsection (4)
10 and the amount equal to the percentage amount, as prescribed by K.S.A.
11 74-4925e and amendments thereto, of the gross amount of such person's
12 annual salary which is provided by the state board of regents for the
13 purchase of retirement annuity contracts under this subsection (4), if
14 required to be provided under this subsection (4), shall be used to pur-
15 chase such retirement annuity contracts from such company or companies
16 as may be designated by the state board of regents for such purposes.
17 The director of accounts and reports is authorized to draw warrants on
18 the state treasurer upon the filing with the director of proper vouchers
19 for the amount of the premium on the retirement annuity contract to be
20 paid pursuant to the terms of such contracts and this act.

21 (5) All employees who are described in subsection (1)(a) and who
22 commence such employment on and after July 1, 1976, shall receive as-
23 sistance under subsection (1) and shall be covered by a valid retirement
24 annuity contract issued by a company described in subsection (2).

25 (6) Any employee of the state board of regents or of an educational
26 institution under its management, other than an elected official, who is
27 receiving or is eligible for assistance by the state board of regents in the
28 purchase of a retirement annuity under this section and who becomes
29 ineligible for such assistance because such employee's position is reclas-
30 sified to a position in the classified service under the Kansas civil service
31 act or who becomes ineligible for such assistance because such employee
32 transfers to a position in the classified service under the Kansas civil serv-
33 ice act with the state board of regents or an educational institution under
34 its management, shall become a member of the Kansas public employees
35 retirement system in accordance with the provisions of subsection (5) of
36 K.S.A. 74-4911 and amendments thereto, unless such employee files a
37 written election in the office of the Kansas public employees retirement
38 system, in the form and manner prescribed by the board of trustees
39 thereof, to remain eligible for assistance by the state board of regents
40 under this section prior to the first day of the first complete payroll period
41 occurring after the effective date of such reclassification or transfer. Fail-
42 ure to file such written election shall be presumed to be an election not
43 to remain eligible for assistance by the state board of regents under this

1 section and to become a member of the Kansas public employees retire-
2 ment system under subsection (5) of K.S.A. 74-4911 and amendments
3 thereto. Such election, whether to remain eligible for such assistance or
4 to become a member of such system, shall be effective as of the effective
5 date of such reclassification or transfer and shall be irrevocable. *The pro-*
6 *visions of this subsection (6) shall not apply to any employee of an edu-*
7 *cational institution under the management of the state board of regents*
8 *that has been approved by the state board of regents for participation in*
9 *the higher education classified staff personnel system under section 1, and*
10 *amendments thereto, who is not in the unclassified service under the Kan-*
11 *sas civil service act and who is described in subsection (1)(a) and is re-*
12 *ceiving or is eligible for assistance by the state board of regents in the*
13 *purchase of a retirement annuity under this section.*

14 (7) The state board of regents shall adopt uniform policies applicable
15 to members of the faculty and other persons, (A) who are employed by
16 the state board of regents or by any educational institution under its man-
17 agement and who are in the unclassified service under the Kansas civil
18 service act as provided in subsection (1)(f) of K.S.A. 75-2935 and amend-
19 ments thereto, except health care employees, as defined by subsection
20 (1)(f) of K.S.A. 75-2935 and amendments thereto, *or (B) who are em-*
21 *ployed by an educational institution under the management of the state*
22 *board of regents that is approved by the state board of regents for par-*
23 *ticipation in the higher education classified staff personnel system under*
24 *section 1, and amendments thereto, and who are not in the unclassified*
25 *service under the Kansas civil service act, for the purposes of adminis-*
26 *tering the provisions of this section and the provision of retirement an-*
27 *nuities and other benefits hereunder. All assistance provided by the state*
28 *board of regents for such persons, and agreements entered into therefor,*
29 *pursuant to this section prior to the effective date are hereby authorized,*
30 *confirmed and validated.*

31 (8) Any employee described in subsection (1)(a) who is on leave of
32 absence and who accepts a position in the executive branch of govern-
33 ment may file a written election in the office of the Kansas public em-
34 ployees retirement system, in the form and manner prescribed by the
35 board, to remain eligible for assistance by the state board of regents under
36 this section prior to the first day of the first complete payroll period
37 occurring after the commencement of such service in the executive
38 branch of government. Failure to file such written election shall be pre-
39 sumed to be an election not to remain eligible for assistance by the state
40 board of regents. The state board of regents shall contribute an amount
41 toward the purchase of retirement annuities on behalf of such employee
42 equal to the sum of the amounts provided in subsection (1)(c).

43 (9) Any employee described in subsection (1)(a) who is on leave of

1 absence and who is elected or appointed as a member of the legislature
2 may file a written election in the office of the Kansas public employees
3 retirement system, in the form and manner prescribed by the board, to
4 remain eligible for assistance by the state board of regents under this
5 section prior to the first day of the first complete payroll period occurring
6 after the commencement of such service in the legislature or for any
7 employee who is a member of the legislature on January 8, 2001, prior
8 to the first day of the first complete payroll period occurring after July 1,
9 2001. Failure to file such written election shall be presumed to be an
10 election not to remain eligible for assistance by the state board of regents.
11 For any employee who files an election as provided in this subsection and
12 who was a member of the legislature on January 8, 2001, such election
13 shall be effective on January 8, 2001. The state board of regents shall
14 contribute an amount toward the purchase of retirement annuities on
15 behalf of such employee equal to the percentage amount, as prescribed
16 by K.S.A. 74-4925e, and amendments thereto, on the biweekly rate of
17 the salary of such employee with the state board of regents in effect on
18 the date preceding such leave of absence and continuing throughout such
19 leave of absence. Any such employee who makes an election as provided
20 by this subsection shall be eligible for the insured death benefit and in-
21 sured disability benefit in the same manner as provided under the pro-
22 visions of K.S.A. 74-4927a, and amendments thereto. The provisions of
23 this section are intended to further the public policy of encouraging per-
24 sons to serve in elective office.

25 *(10) (a) All employees who are described in subsection (1)(a), who*
26 *are not in the unclassified service under the Kansas civil service act, who*
27 *are employed by an educational institution under the management of the*
28 *state board of regents that is approved by the state board of regents for*
29 *participation in the higher education classified staff personnel system un-*
30 *der section 1, and amendments thereto, and who are either receiving*
31 *participating service credit or completing one year of service prior to*
32 *membership under K.S.A. 74-4911, and amendments thereto, on or after*
33 *the effective date of this act and prior to the effective date of the partic-*
34 *ipation of the educational institution employing such person in the higher*
35 *education classified staff personnel system, shall file a written statement*
36 *of election prior to the first day of the second payroll period commencing*
37 *after such effective date with the board of trustees of the Kansas public*
38 *employees retirement system to participate under the plan described in*
39 *subsection (2) in lieu of receiving participating service credit under that*
40 *system. Failure to file such written election shall be presumed to be an*
41 *election not to participate in such plan and to continue receiving such*
42 *participating service credit under that system. The election, whether to*
43 *participate in such plan or not to participate in such plan, shall be effective*

1 on the first day of the second payroll period commencing after the effective
2 date of the higher education classified staff personnel system for the ed-
3 ucational institution and shall be irrevocable. No employee who elects
4 under this subsection (10) to participate in the plan described in subsec-
5 tion (2) shall be subject to any waiting period prescribed by this section
6 in such plan from and after the effective date of the election, but shall
7 participate and receive assistance under this section in such plan from
8 and after the effective date of the election. The effective date of the higher
9 education classified staff personnel system for an educational institution
10 shall be the first day of the first payroll period chargeable to the first fiscal
11 year commencing after the state board of regents acts to approve the
12 educational institution for such purpose under section 1, and amendments
13 thereto.

14 (b) For each employee who elects under this subsection (10) to partic-
15 ipate in the plan described in subsection (2), there shall be transferred
16 on or after the effective date of such election from the Kansas public
17 employees retirement fund to such plan an amount equal to the sum of
18 (i) the amount of the accumulated contributions which have been credited
19 to the account of such employee with the Kansas public employees retire-
20 ment system plus (ii) an amount equal to that actually contributed through
21 payroll deductions by such employee to that system. All participating
22 service credit in the Kansas public employees retirement system of each
23 such employee who elects under this subsection (10) shall be forfeited and
24 canceled and may not be purchased as credited service should such em-
25 ployee again become a member of that system under K.S.A. 74-4911, and
26 amendments thereto. Nothing in this subsection (10) shall have the effect
27 or be construed to have the effect of forfeiting and canceling any prior
28 service credit under the Kansas public employees retirement system of
29 any employee who has participating service credit thereunder forfeited
30 and canceled under this subsection (10). All participating service credit
31 that is forfeited and canceled under this subsection (10) shall be recog-
32 nized for the purpose of determining a vested benefit as provided in sub-
33 section (3) and as provided in K.S.A. 74-4917, and amendments thereto,
34 if the employee again becomes a member of that system under K.S.A. 74-
35 4911, and amendments thereto.

36 (c) Any employees, who are described in subsection (1)(a), who are
37 not in the unclassified service under the Kansas civil service act, who are
38 employed by an educational institution under the management of the state
39 board of regents that is approved by the state board of regents for par-
40 ticipation in the higher education classified staff personnel system under
41 section 1, and amendments thereto, and who will not complete one year
42 of continuous service prior to the effective date of the participation of the
43 educational institution employing such person in the higher education

1 *classified staff personnel system, shall elect in the manner prescribed by*
2 *subsection (10)(a) and such election shall be irrevocable.*

3 Sec. 3. K.S.A. 75-2938 is hereby amended to read as follows: 75-
4 2938. (a) Except as otherwise provided in the Kansas civil service act, the
5 director of personnel services, after consultation with the heads of state
6 agencies or persons designated by them, shall assign each position in the
7 classified service to a class according to the duties and responsibilities
8 thereof. Titles shall be specified by the director for each such class for
9 use in certifying the names of persons for appointment under this act. A
10 description of the duties and responsibilities with suitable qualifications
11 required for satisfactory performance in each class shall be specified by
12 the director. The classes and titles so specified and described shall be
13 used for: (1) Original appointments; (2) promotions; (3) payrolls; and (4)
14 all other records affecting the status of persons in the classified service.
15 Each class when approved or modified and approved as modified by the
16 governor shall take effect on a date or dates specified by the governor.
17 After consultation with the director of the budget and the heads of state
18 agencies or persons designated by them, the director shall recommend
19 changes in classes from time to time, and such changes, when approved
20 or modified and approved as modified by the governor, shall take effect
21 on a date or dates specified by the governor.

22 (b) The director of personnel services shall recommend to the gov-
23 ernor the assignment, and from time to time the reassignment, of each
24 class to a specified range approved or modified and approved as modified
25 by the governor, the same shall become effective on a date or dates spec-
26 ified by the governor. In adopting or revising any plans, the governor shall
27 give consideration to pertinent rates in other public and private employ-
28 ment in the appropriate labor markets, and for this purpose the director
29 shall have made periodic wage and salary surveys with one survey to be
30 conducted each year. The results of such survey and recommendations
31 for revisions in the pay plan are to be forwarded to the governor, the
32 secretary of administration, the director of the budget and the legislature.
33 The recommendations shall give consideration and weight to survey re-
34 sults, to changes in the cost-of-living and to proper internal alignment of
35 the various job classes. The director may use the results of other appro-
36 priate surveys conducted by public or private agencies in lieu of or in
37 addition to surveys authorized to be conducted under this subsection.

38 (c) The secretary of administration may delegate the authority to as-
39 sign positions in the classified service to a class according to the duties
40 and responsibilities thereof to the appointing authority. Such delegation
41 shall specify the particular classes, ranges, and schedules authorized. Ap-
42 pointing authorities delegated such assigning authority shall make
43 monthly reports of assigning transactions to the director of personnel

1 services. Any delegation of such authority is subject to review by the
2 secretary of administration who may modify any delegation made in order
3 to ensure consistency with the state classification plan and may withdraw
4 the delegated authority from the appointing authority upon evidence of
5 improper use of such authority by the appointing authority. The decision
6 of the secretary of administration in regard to the withdrawal of such
7 delegated authority shall be final.

8 (d) After consultation with the director of the budget and the sec-
9 retary of administration, the director of personnel services shall prepare
10 a pay plan which shall contain a schedule of salary and wage ranges and
11 steps, and from time to time changes therein. When such pay plan or any
12 change therein is approved or modified and approved as modified by the
13 governor, the same shall become effective on a date or dates specified by
14 the governor and any such modification, change of date shall be in ac-
15 cordance with any enactments of the legislature applicable thereto.

16 (e) The classes and pay plan for the classified service as approved by
17 the governor *and the classified pay rate plans established under the higher*
18 *education classified staff personnel system* shall be used by the director
19 of the budget in preparation of the budget.

20 (f) Whenever any appropriation or other act specifies any pay plan or
21 any change, limitation or condition upon the pay plan, personnel or pol-
22 icies of the state or any state agency, such appropriation act or other act
23 shall control the provisions of this section to the extent of their application
24 thereto.

25 Sec. 4. K.S.A. 74-4925e is hereby amended to read as follows: 74-
26 4925e. ~~On and after the effective date of this act~~ (1) *Except as otherwise*
27 *provided in this section*, the percentage amount to be contributed or
28 provided by the state board of regents under subsection (1)(c) or subsec-
29 tion (4) of K.S.A. 74-4925 and amendments thereto shall be computed
30 on the basis of 8.5% ~~for payroll periods chargeable to the fiscal year~~
31 ~~ending June 30, 1994.~~

32 (2) *The percentage amount to be contributed or provided by the state*
33 *board of regents under subsection (1)(c) or (4) of K.S.A. 74-4925 and*
34 *amendments thereto for persons who are employed by an educational*
35 *institution under the management of the state board of regents and who*
36 *are under the higher education classified staff personnel system pursuant*
37 *to section 1 and amendments thereto, and who are not in the unclassified*
38 *service under the Kansas civil service act, shall be computed on the basis*
39 *of the percentage rate of contribution certified to the state of Kansas as a*
40 *participating employer under the Kansas public employees retirement sys-*
41 *tem pursuant to subsection (5) of K.S.A. 74-4920 and amendments thereto.*

42 Sec. 5. K.S.A. 2002 Supp. 75-2935 is hereby amended to read as
43 follows: 75-2935. The civil service of the state of Kansas is hereby divided

1 into the unclassified and the classified services *under the Kansas civil*
2 *service act and the higher education classified staff under the higher ed-*
3 *ucation classified staff personnel system pursuant to section 1, and amend-*
4 *ments thereto.*

5 (1) The unclassified service comprises positions held by state officers
6 or employees who are:

7 (a) Chosen by election or appointment to fill an elective office;

8 (b) members of boards and commissions, heads of departments re-
9 quired by law to be appointed by the governor or by other elective offi-
10 cers, and the executive or administrative heads of offices, departments,
11 divisions and institutions specifically established by law;

12 (c) except as otherwise provided under this section, one personal sec-
13 retary to each elective officer of this state, and in addition thereto, 10
14 deputies, clerks or employees designated by such elective officer;

15 (d) all employees in the office of the governor;

16 (e) officers and employees of the senate and house of representatives
17 of the legislature and of the legislative coordinating council and all officers
18 and employees of the office of revisor of statutes, of the legislative re-
19 search department, of the division of legislative administrative services,
20 of the division of post audit and the legislative counsel;

21 (f) chancellor, president, deans, administrative officers, student
22 health service physicians, pharmacists, teaching and research personnel,
23 health care employees and student employees in the institutions under
24 the state board of regents, the executive officer of the board of regents
25 and the executive officer's employees other than clerical employees, and,
26 at the discretion of the state board of regents, directors or administrative
27 officers of departments and divisions of the institution and county exten-
28 sion agents, except that this subsection (1)(f) shall not be construed to
29 include the custodial, clerical or maintenance employees, or any employ-
30 ees performing duties in connection with the business operations of any
31 such institution, except administrative officers and directors; as used in
32 this subsection (1)(f), "health care employees" means employees of the
33 university of Kansas medical center who provide health care services at
34 the university of Kansas medical center and who are medical technicians
35 or technologists or respiratory therapists, who are licensed professional
36 nurses or licensed practical nurses, or who are in job classes which are
37 designated for this purpose by the chancellor of the university of Kansas
38 upon a finding by the chancellor that such designation is required for the
39 university of Kansas medical center to recruit or retain personnel for
40 positions in the designated job classes; and employees of any institution
41 under the state board of regents who are medical technologists;

42 (g) operations, maintenance and security personnel employed to im-
43 plement agreements entered into by the adjutant general and the federal

1 national guard bureau, and officers and enlisted persons in the national
2 guard and the naval militia;

3 (h) persons engaged in public work for the state but employed by
4 contractors when the performance of such contract is authorized by the
5 legislature or other competent authority;

6 (i) persons temporarily employed or designated by the legislature or
7 by a legislative committee or commission or other competent authority
8 to make or conduct a special inquiry, investigation, examination or
9 installation;

10 (j) officers and employees in the office of the attorney general and
11 special counsel to state departments appointed by the attorney general,
12 except that officers and employees of the division of the Kansas bureau
13 of investigation shall be in the classified or unclassified service as provided
14 in K.S.A. 75-711, and amendments thereto;

15 (k) all employees of courts;

16 (l) client, patient and inmate help in any state facility or institution;

17 (m) all attorneys for boards, commissions and departments;

18 (n) the secretary and assistant secretary of the Kansas state historical
19 society;

20 (o) physician specialists, dentists, dental hygienists, pharmacists,
21 medical technologists and long term care workers employed by the de-
22 partment of social and rehabilitation services;

23 (p) physician specialists, dentists and medical technologists employed
24 by any board, commission or department or by any institution under the
25 jurisdiction thereof;

26 (q) student employees enrolled in public institutions of higher
27 learning;

28 (r) administrative officers, directors and teaching personnel of the
29 state board of education and the state department of education and of
30 any institution under the supervision and control of the state board of
31 education, except that this subsection (1)(r) shall not be construed to
32 include the custodial, clerical or maintenance employees, or any employ-
33 ees performing duties in connection with the business operations of any
34 such institution, except administrative officers and directors;

35 (s) all officers and employees in the office of the secretary of state;

36 (t) one personal secretary and one special assistant to the following:
37 The secretary of administration, the secretary of aging, the secretary of
38 agriculture, the secretary of commerce and housing, the secretary of cor-
39 rections, the secretary of health and environment, the superintendent of
40 the Kansas highway patrol, the secretary of human resources, the secre-
41 tary of revenue, the secretary of social and rehabilitation services, the
42 secretary of transportation, the secretary of wildlife and parks and the
43 commissioner of juvenile justice;

1 (u) one personal secretary and one special assistant to the chancellor
2 and presidents of institutions under the state board of regents;

3 (v) one personal secretary and one special assistant to the executive
4 vice chancellor of the university of Kansas medical center;

5 (w) one public information officer and one chief attorney for the fol-
6 lowing: The department of administration, the department on aging, the
7 department of agriculture, the department of commerce and housing, the
8 department of corrections, the department of health and environment,
9 the department of human resources, the department of revenue, the de-
10 partment of social and rehabilitation services, the department of trans-
11 portation, the Kansas department of wildlife and parks and the commis-
12 sioner of juvenile justice;

13 (x) civil service examination monitors;

14 (y) one executive director, one general counsel and one director of
15 public affairs and consumer protection in the office of the state corpo-
16 ration commission;

17 (z) specifically designated by law as being in the unclassified service;

18 (aa) all officers and employees of Kansas, Inc. and the Kansas tech-
19 nology enterprise corporation; and

20 (bb) any position that is classified as a position in the information
21 resource manager job class series, that is the chief position responsible
22 for all information resources management for a state agency, and that
23 becomes vacant on or after the effective date of this act. Nothing in this
24 section shall affect the classified status of any employee in the classified
25 service who is employed on the date immediately preceding the effective
26 date of this act in any position that is a classified position in the infor-
27 mation resource manager job class series and the unclassified status as
28 prescribed by this subsection shall apply only to a person appointed to
29 any such position on or after the effective date of this act that is the chief
30 position responsible for all information resources management for a state
31 agency.

32 (2) The classified service comprises all positions now existing or here-
33 after created ~~which are not included~~, *except: (a) Positions in the unclas-*
34 *sified service, and (b) positions of higher education classified staff, as*
35 *defined by section 1, and amendments thereto, that are under the higher*
36 *education classified staff personnel system pursuant to section 1, and*
37 *amendments thereto. Appointments in the classified service shall be made*
38 *according to merit and fitness from eligible pools which so far as practi-*
39 *cable shall be competitive. No person shall be appointed, promoted, re-*
40 *duced or discharged as an officer, clerk, employee or laborer in the clas-*
41 *sified service in any manner or by any means other than those prescribed*
42 *in the Kansas civil service act and the rules adopted in accordance*
43 *therewith.*

1 (3) For positions involving unskilled, or semiskilled duties, the sec-
2 retary of administration, as provided by law, shall establish rules and reg-
3 ulations concerning certifications, appointments, layoffs and reemploy-
4 ment which may be different from the rules and regulations established
5 concerning these processes for other positions in the classified service.
6 *The provisions of this subsection shall not apply to officers or employees*
7 *who are under the higher education classified staff personnel system pur-*
8 *suant to section 1, and amendments thereto.*

9 (4) Officers authorized by law to make appointments to positions in
10 the unclassified service, and appointing officers of departments or insti-
11 tutions whose employees are exempt from the provisions of the Kansas
12 civil service act because of the constitutional status of such departments
13 or institutions shall be permitted to make appointments from appropriate
14 pools of eligibles maintained by the division of personnel services.

15 Sec. 6. K.S.A. 74-4925, 74-4925e and 75-2938 and K.S.A. 2002 Supp.
16 75-2935 are hereby repealed.

17 Sec. 7. This act shall take effect and be in force from and after its
18 publication in the statute book.

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