

MINUTES OF THE HOUSE COMMITTEE ON PENSIONS, INVESTMENTS AND BENEFITS

The meeting was called to order by REPRESENTATIVE DAVID F. LOUIS at
Chairperson

9:00 a.m. a.m./p.m. on Thursday, March 7, 1985 in room 527-S of the Capitol.

All members were present except:

Representatives R.H. Miller, Mayfield, Dyck - excused.

Committee staff present:

Alan Conroy
Richard Ryan
Gordon Self
Rosalie Black

Conferees appearing before the committee:

Marshall Crowther, Executive Secretary, KPERS
Colonel Bert Cantwell, Superintendent, Highway Patrol
Major Stuart Elliott, Highway Patrol
John Maksimowicz, Communications Operator II
C.W. Larsen, Communications Operator II
Representative Jesse Harder

The meeting was called to order by Representative Louis, Chairman,
for hearings on HB 2525 and HB 2501.

HOUSE BILL 2525 - HEARING

Marshall Crowther explained that HB 2525 involved taking 54
communications operators, who are now KPERS members, into the KP&F
retirement system.

Colonel Cantwell emphasized the importance of HB 2525 and introduced
Major Elliott to testify in support.

Major Elliott recommended the addition of communications operators to
KP&F to permit the operators to retire at age 55 with 20 years of service
and require retirement at age 60. Attachment 1.

Referring to his own hearing loss from working as a communications
operator, C.W. Larsen stated he would retire at age 62 although he had
originally planned to work until age 65.

John Maksimowicz discussed the difficulty of working 36 more years to
be able to take retirement at age 65. Also, he stated that the stressful
conditions of working as a communications operator had affected his
personal life.

HOUSE BILL 2501 - HEARING

Representative Grotewiel distributed a chart explaining the various

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PENSIONS, INVESTMENTS & BENEFITS,
room 527-S, Statehouse, at 9:00 a.m. on March 7, 1985.

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HOUSE BILL 2501 - HEARING (con't.)

percentages teachers would receive if participating service was calculated at 1.4% of their final average salary. Attachment 2.

Representative Jesse Harder requested that teachers be eligible for increased benefits in 1990 if they have a total of 25 years in KPERS and the former Kansas Teachers Retirement System and if they have been members of KPERS since the time teachers were placed in that retirement program. Attachment 3.

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The meeting adjourned at 9:55 a.m.

The next meeting will be at 9:00 a.m., Friday, March 8, in Room 527-S.



Please PRINT Name, Address, the organization you represent, and the Number of the Bill in which you are interested. Thank you.

3-7-85

NAME	ADDRESS	ORGANIZATION	BILL NO.
STEVE PORTER	TOPEKA	KS EMPLOYEE HEALTH CARE COMMISSION	
Bob Cantwell	"	KHP	
C. W. Larsen	Wichita	KHP	
John Maksimowicz	Wichita	KHP	
Ward G. Gledhill	TOPEKA	KHP	
Jerry Marlatt	"	K&CFF	
Basel Covey	"	KRTA	
Harold Pitts	"	TARTA	

SUMMARY OF TESTIMONY
BEFORE THE PENSIONS, INVESTMENTS AND BENEFITS COMMITTEE
MARCH 7, 1985
BY THE KANSAS HIGHWAY PATROL
(Major Stuart A. Elliott)

We are appearing in support of proposed legislation that would place Kansas Highway Patrol communications operators under the Kansas Police and Fire Retirement System.

The communications system operated by the Kansas Highway Patrol today offers a sharp contrast to the voice radio system funded by the 1945 Session of the Legislature. While that early day two-way radio ability provided a leap forward in communications -- from a trooper listening for hour after hour to station KCKN in Kansas City, or WIBW in Topeka, or KFH in Wichita; until the radio announcer broke into the "soap" drama with an announcement "trooper 29 call your office" -- it has little parallel to the complex, sophisticated, pressure-packed telecommunications network we use today.

Our 54 communications operators staff seven geographically located communications centers which handle literally millions of messages each year for 13 state and four federal criminal justice agencies and dozens of emergency medical services with over 800 mobile radio units.

Our brief historical review is intended to set the tenor for our request for your consideration of addition of these employees to the Highway Patrol portion (K.S.A. 74-4972) of K P and F, in a "day one" approach. That would permit this special class of employees to retire at age 55 with 20 years of service and require retirement at age 60. Our proposal is necessitated by the stressful conditions created by their special conditions of employment:

- Simultaneous use of:
 - 9 radio transmit frequencies
 - 13 radio receive frequencies
 - 3 or more telephone lines
 - 1 NAWAS hot line (Department of Defense, National Weather Service)
 - 1 high speed data terminal accessing all counties in Kansas and all 48 continental states (typically with one or two operators on duty)
- Consume all meals without leaving the radio console/work position.

- No (coffee) breaks away from the work position.
 - Use of toilet facilities under the stress of a need to return to the work position (especially when only one operator on duty).
 - Earaches and loss of hearing due to noise levels and audio equipment associated with work.
 - Stress created by responsibility for safety of officers (attack on officer, chases, felony stops, etc.)
 - Stress created by responsibility for safety of the public severe weather warnings, summon emergency care units, interpret needs with incomplete information, travel/weather information, etc.
 - Stress created by wide variations in work conditions; from "quiet" to multiple emergencies and a flood of traffic and back to "quiet"; shifts from radio to data system to telephone -- from voice to written media and from professional to distraught or irrational behavior.
 - Stress of literally hundreds of telephone calls, one after another, for an entire 8-hour shift, to respond to public requests for weather and road conditions. This is usually punctuated by some rude callers or persons "demanding" to know what the roads will be like on the following day.
 - Required to make rapid, independent decisions (many times effecting the life of persons or safety of property) while managers are not immediately available -- more stress.
- and last, and most important --
- Required to change shifts frequently, resulting in distortion of sleep habits and related health problems.

While it is impossible to replicate the actual conditions of our communications centers, it is well known that stress-associated illnesses, such as hypertension, gastrointestinal tract problems (ulcers, spastic colon, diverticulitis), insomnia, anxiety and sometimes neurosis and psychosis are common to persons working in such environment, especially as they become older. We also note a growing loss of hearing among our older operators and a dispatcher that can't hear is a liability to the system function, as well as a personnel placement problem.

An advisory opinion from Mr. Marshall Crowther (February 10, 1981) indicated that "Communications Operators" were not eligible to participate in the Kansas Police and Fireman's Retirement System

(KP&F) because they do not fit the definition of "patrolman". In contrast, communications personnel of other departments are members of KP&F either by the "in support thereof" or "appointed" provisions of the definitions section.

Our 40 year experience with the pressures on this class of workers, our knowledge of the increasing complexity of these positions and the reality of the highly critical need for maximum efficiency causes us to ask that you favorable consider this proposal.

As administrators of a communications network, we should also apprise you of a new aura of liability attached to the communications responsibility. A New York appellate court (1982) found that the police communications function is an "assumption of duty to act, requiring that the conduct be undertaken with reasonable care". A judgment of \$200,000 for pain and suffering and \$600,000 for wrongful death followed a police dispatcher mistakenly recording a wrong address and thereby failing to send help to the correct location.

Implementation costs of this modified retirement benefit have been substantially reduced by using a "day one" approach -- where communications operators prior service under KPERS would remain credited under and paid on the basis of that system. Only service after the effective date of this act would be computed and paid under KP&F.

We believe this represents not only a humane act toward dedicated employees, but good business practice when viewed in the perspective of maintenance of a high level of service reliability -- service that may effect any community, or any person without advance warning.

1959	1962	1971	1982	1989	1996
1%	1.25%	1.25%	1.4%		
State Employee (retiring before 1989)					
1%	1.4%	1.4%	1.4%	1.4%	1.4%
State Employee (retiring 1989 or later with 25 years of service)					
1%	1%	1.25%	1.4%	1.4%	1.4%
Teacher (at present)					
1%	1%	1.4%	1.4%	1.4%	1.4%

Teacher under HB 2501
(with 30 years of service by 1989)

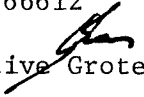


Kansas Public Employees Retirement System

MARSHALL CROWTHER, Executive Secretary

February 18, 1985

Representative Ken Grotewiel
Statehouse - Room 282-W
Topeka, Kansas 66612

Dear Representative  Grotewiel:

This is in reply to our telephone conversation this morning regarding enhancements to the KPERS benefit formula as it relates to participating service credit.

As you are aware, last year legislation was enacted which provided that once a KPERS member had accrued a minimum of 25 years of participating service that all of their participating service would be calculated at 1.4% of their final average salary. This would be effective for anyone who retired on or after July 1, 1989 and as the school system did not merge with KPERS until 1971, the earliest impact for this group would be 1996.

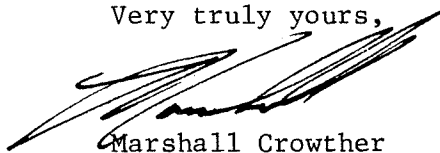
Our actuary has provided us with cost information should legislation be introduced that would make the value of all participating service 1.4% after the completion of 30 total years of service regardless of whether it was prior or participating. Our actuary indicates this would increase the school employer contribution rate by .1% and using estimated covered payrolls for FY 1986, would require additional employer contributions of approximately \$1 million in the first year.

Presently, school employer contributions are paid by the state as a transfer to KPERS from the general fund. Our actuary further advised this would have no cost ramifications as it relates to non-school employers, i.e., state employees, counties, cities, etc. These cost estimates assume this change would also first apply to anyone who retires on or after July 1, 1989. To shorten this time frame would add additional costs.

Additionally, if this were reduced to 25 total years of service, the estimated increase in the employer contribution rate would be .08% for non-school employers and between .2% to .3% for school employers. Using the same estimated covered payrolls, this would require additional employer contributions of \$369,000 for non-school state employers; \$282,000 for non-school local employers and between \$2 million to \$3.1 million for school employers.

I trust the above answers any questions you may have had regarding this matter; however, if I may be of further assistance, please let me know.

Very truly yours,



Marshall Crowther
Executive Secretary

MC:JLH:djp

NICKERSON - SOUTH HUTCHINSON PUBLIC SCHOOLS

Unified School District 309

DR. WILLIAM E. WHITE, Superintendent of Schools

Box 408 405 South Nickerson St.

Nickerson, Kansas 67561

Telephones: Area Code 316

Hutchinson 663-7141

Nickerson 422-3286

December 21, 1984

Representative Jesse Harder
103rd District
636 North Main
Buhler, Kansas 67522

Honorable Jesse Harder:

As a follow up to my telephone conversation to you on December 21, 1984, I wish to again call to your attention what I believe is a weakness in regulations relative to the inability for teachers or any school employee to qualify for the increased benefits provided by KPERS effective 1990 based upon 25 years or more membership in KPERS. It is my understanding that teachers would not be eligible for this increased benefit because the Kansas Teacher Retirement System was not brought into the KPERS program until 1970-71 and as a result, would not have 25 years of KPERS membership until 1995-96.

I believe that teachers should be eligible for the increased benefits in 1990 if they have a total 25 years of membership in KPERS and the former Kansas Teachers Retirement System and if they have been a member of KPERS since the time teachers were placed in this retirement program.

I will appreciate any influence you may be able to provide in bringing about the changes needed to correct what I feel is an inequity in the present regulations.

Sincerely,



Calvin Singleton
Assistant Superintendent

CS:skm

cc: John Summervill