

Approved Thomas F. Walker 28
Date

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION

The meeting was called to order by Representative Thomas F. Walker at
Chairperson

9:00 a.m./p.m. on Tuesday, March 29, 1988, 1988 in room 522-S of the Capitol.

All members were present except:

- Representative Schauf
- Representative Peterson

Committee staff present:

- Avis Swartzman - Revisor
- Carolyn Rampey - Legislative Research Dept.
- Mary Galligan - Legislative Research Dept.
- Jackie Breymeyer - Committee Secretary

Conferees appearing before the committee:

- Charles Dodson -
- Art Griggs - Dept. of Administration

Chairman Walker called the meeting to order. The minutes will stand approved at the end of the meeting if there are no corrections or additions.

The Chairman told the committee he had visited with Commissioner Duncan and had come up with the following suggestion. Extend the Department of Social and Rehabilitation Services for 8 years and study a different unit of SRS for each year, beginning with Administrative Services. A staff memorandum entitled "On-going Review of Social and Rehabilitation Services" was distributed, as well as an organizational chart. (See Attachments 1 and 2)

Discussion on the merits of this suggestion commenced. It was the general consensus that this was a good way to approach the problem of reviewing such a huge agency.

Representative Ramirez moved that SB 650 be extended 8 years and the procedure set up whereby a different unit of the Department be reviewed each year by the Governmental Organization Committee. Representative Sprague gave a second to the motion; the motion carried.

The staff memorandum that had been distributed was collected and given to staff to be tabulated.

Commissioner Duncan said that as additional information is received through the SRS commissions, it will be distributed to members for inclusion in the black SRS books.

The Committee turned its attention to SB 654 - architectural and indigents' defense services.

Representative Bowden moved ^{to introduce} his amendment to SB 654 which deals with the appeals process. Representative Harder gave a second to the motion.

Copies of Representative Bowden's amendment were distributed. (Attachment 3)

Charles Dodson, Kansas Association of Public Employees spoke in support of the amendment. He said there should be administrative remedies and not judicial remedies to help employees. This amendment would be another procedure wherein employees could seek redress.

Discussion on the appeals process, Civil Service Board and what constituted the definition of 'reasonableness' when stating the Board is to act in a reasonable manner.

Art Griggs spoke next. He said the Department of Administration opposed the amendment because the definition of classification action on page 6 is overly broad. He made several other comments on the amendment.

Representative Bowden moved to amend SB 654 with his amendment. Representative Sebelius gave a second to the motion. The motion failed.

Discussion continued on the bill, itself. There were still some concerns about the Space Management Officer classification.

Representative Hassler moved to amend SB 654 with the balloon amendment submitted by the Department of Administration. (Attachment 4) Representative Sebelius gave a second to the motion. The motion carried.

Representative Sprague moved that SB 654 be reported favorably for passage as amended. Representative Sughrue gave a second to the motion. The motion carried.

Chairman Walker told the committee that the results of the tabulation of SRS choices would be distributed as soon as completed. He thanked the committee for a good session.

The meeting was adjourned.
Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

MEMORANDUM

March 29, 1988

TO: House Governmental Organization Committee
FROM: Tom Walker, Chairman
RE: On-Going Review of Social and Rehabilitation Services

Please indicate, next to the organizational units listed below, your preference for the order in which the Committee should schedule the units for review. For example, my proposal is to review Administrative Services next year (1989 Session), so it is No. 1. Your preference for the 1990 through 1995 Sessions would be 2 through 7. I propose that we leave the 1996 Session open for legal services, fraud and recovery, civil rights/EEO, follow-up, summary, or special questions.

Administrative Services	<u>1</u>
Adult Services	_____
Alcohol and Drug Abuse Services	_____
Income Maintenance and Medical Services	_____
Mental Health/Retardation Services	_____
Rehabilitation Services	_____
Youth Services	_____

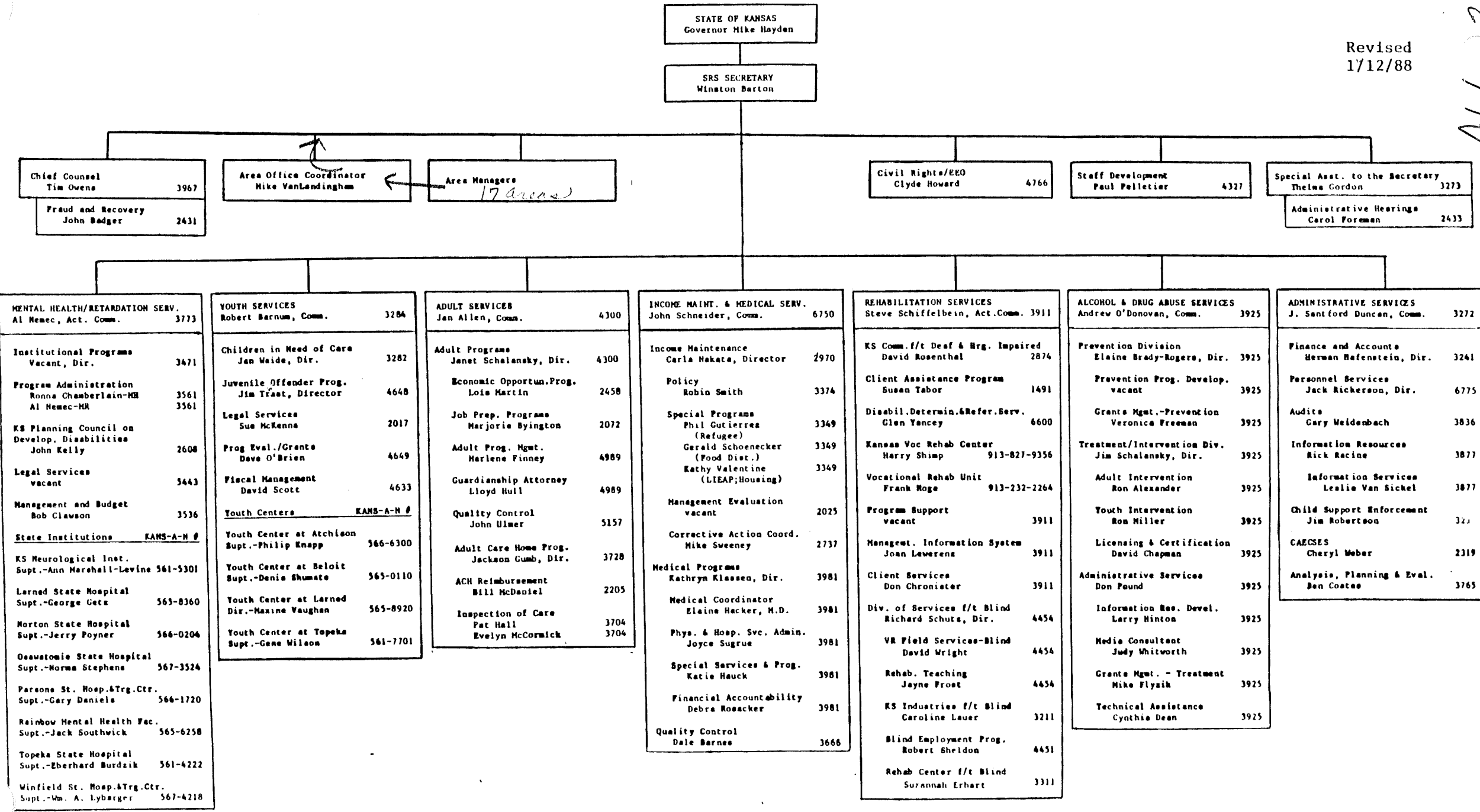
Staff will tally the results of this poll and make the results available to the Committee members prior to adjournment.

walker.mg/jar

SRS CENTRAL OFFICE ORGANIZATION CHART

Revised
1/12/88

Atch 2



Chief Counsel
Tim Owens 3967
Fraud and Recovery
John Badger 2431

Area Office Coordinator
Mike VanLandingham

Area Managers
17 Areas

Civil Rights/EEO
Clyde Howard 4766

Staff Development
Paul Pelletier 4327

Special Asst. to the Secretary
Thelma Gordon 3273
Administrative Hearings
Carol Foreman 2433

MENTAL HEALTH/RETARDATION SERV. Al Nemeec, Act. Comm. 3773	
Institutional Programs Vacant, Dir. 3671	
Program Administration Ronna Chamberlain-MR 3561 Al Nemeec-MR 3561	
KS Planning Council on Develop. Disabilities John Kelly 2608	
Legal Services vacant 5443	
Management and Budget Bob Clawson 3536	
State Institutions KANS-A-N #	
KS Neurological Inst. Supt.-Ann Marshall-Levine 561-5301	
Larned State Hospital Supt.-George Getz 565-8360	
Morton State Hospital Supt.-Jerry Poyner 566-0206	
Oswatimie State Hospital Supt.-Norma Stephens 567-3524	
Parsons St. Hoop.&Trg.Ctr. Supt.-Gary Daniels 566-1720	
Rainbow Mental Health Fac. Supt.-Jack Southwick 565-6258	
Topeka State Hospital Supt.-Eberhard Burdick 561-4222	
Winfield St. Hoop.&Trg.Ctr. Supt.-Wm. A. Lybarger 567-4218	

YOUTH SERVICES Robert Barnum, Comm. 3284	
Children in Need of Care Jan Weide, Dir. 3282	
Juvenile Offender Prog. Jim Traut, Director 4648	
Legal Services Sue McKenna 2017	
Prog Eval./Grants Dave O'Brien 4649	
Fiscal Management David Scott 4633	
Youth Centers KANS-A-N #	
Youth Center at Atchison Supt.-Philip Knapp 566-6300	
Youth Center at Beloit Supt.-Denis Shumate 565-0110	
Youth Center at Larned Dir.-Maxine Vaughn 565-8920	
Youth Center at Topeka Supt.-Gene Wilson 561-7701	

ADULT SERVICES Jan Allen, Comm. 4300	
Adult Programs Janet Schalansky, Dir. 4300	
Economic Opportun.Prog. Lois Martin 2458	
Job Prep. Programs Marjorie Byington 2072	
Adult Prog. Mgmt. Harlene Finney 4989	
Guardianship Attorney Lloyd Hull 4989	
Quality Control John Ulmer 5157	
Adult Care Home Prog. Jackson Gumb, Dir. 3728	
ACH Reimbursement Bill McDaniel 2205	
Inspection of Care Pat Hall 3704 Evelyn McCormick 3704	

INCOME MAINT. & MEDICAL SERV. John Schneider, Comm. 6750	
Income Maintenance Carla Nakata, Director 2970	
Policy Robin Smith 3374	
Special Programs Phil Gutierrez (Refugee) 3349 Gerald Schoenecker (Food Dist.) 3349 Kathy Valentine (LIEAP;Housing) 3349	
Management Evaluation vacant 2025	
Corrective Action Coord. Mike Sweeney 2737	
Medical Programs Kathryn Klassen, Dir. 3981	
Medical Coordinator Elaine Hacker, M.D. 3981	
Phys. & Hoop. Svc. Admin. Joyce Sugrue 3981	
Special Services & Prog. Katie Hauck 3981	
Financial Accountability Debra Rosacker 3981	
Quality Control Dale Barnes 3666	

REHABILITATION SERVICES Steve Schifflbein, Act.Comm. 3911	
KS Comm. f/t Deaf & Hrg. Impaired David Rosenthal 2874	
Client Assistance Program Susan Tabor 1491	
Disabil.Determin.&Refer.Serv. Glen Yancey 6600	
Kansas Voc Rehab Center Harry Shimp 913-827-9356	
Vocational Rehab Unit Frank Hoge 913-232-2264	
Program Support vacant 3911	
Managemt. Information System Joan Lewerenz 3911	
Client Services Don Chronister 3911	
Div. of Services f/t Blind Richard Schuts, Dir. 4454	
VR Field Services-Blind David Wright 4454	
Rehab. Teaching Jayne Frost 4454	
KS Industries f/t Blind Caroline Lauer 3211	
Blind Employment Prog. Robert Gheldon 4451	
Rehab Center f/t Blind Suzannah Erhart 3311	

ALCOHOL & DRUG ABUSE SERVICES Andrew O'Donovan, Comm. 3925	
Prevention Division Elaine Brady-Rogers, Dir. 3925	
Prevention Prog. Develop. vacant 3925	
Grants Mgmt.-Prevention Veronica Freeman 3925	
Treatment/Intervention Div. Jim Schalansky, Dir. 3925	
Adult Intervention Ron Alexander 3925	
Youth Intervention Ron Miller 3925	
Licensing & Certification David Chapman 3925	
Administrative Services Don Pound 3925	
Information Res. Devel. Larry Hinton 3925	
Media Consultant Judy Whitworth 3925	
Grants Mgmt. - Treatment Mike Flysik 3925	
Technical Assistance Cynthia Dean 3925	

ADMINISTRATIVE SERVICES J. Santford Duncan, Comm. 3272	
Finance and Accounts Herman Hefenstein, Dir. 3241	
Personnel Services Jack Richerson, Dir. 6775	
Audits Gary Weldonbach 3836	
Information Resources Nick Racine 3877	
Information Services Leslie Van Sichel 3877	
Child Support Enforcement Jim Robertson 3211	
CAEGSES Cheryl Weber 2319	
Analysis, Planning & Eval. Ben Coates 3765	

ATTACHMENT 2
G.O. COMMITTEE 3/29/88

PROPOSED AMENDMENTS TO S.B. NO. 654

Be amended:

On page 4, following line 144, by inserting the following sections to read as follows:

"Sec. 4. K.S.A. 1987 Supp. 75-2929d is hereby amended to read as follows: 75-2929d. (a) The state civil service board shall hear appeals taken to it pursuant to: (1) K.S.A. 75-2940, 75-2949 and 75-3747 and amendments thereto concerning demotion, dismissal or suspension of a permanent employee in the classified service, or concerning refusal to examine an applicant or to certify a person as eligible for a job class, and (2) K.S.A. 75-2973 and amendments thereto concerning disciplinary action in violation of that statute, and (3) subsection (7) of K.S.A. 79-2938 and amendments thereto concerning a classification action which affects a state officer or employee in the classified service.

(b) When an appeal is taken to the board, the board shall establish a time and a place for the hearing which shall be held within 45 days after receipt of request for the appeal. The board shall notify the person bringing the appeal and the appointing authority or other person whose action is being reviewed of the time and the place of the hearing, at least 14 days prior to such hearing, by certified mail, return receipt requested. Each party at the hearing shall have the right to be heard, to be represented by a person of the party's own choice, to present evidence and to cross-examine witnesses.

(c) The board, or the director of personnel services when authorized by majority vote of the board, may take deposition of witnesses. Either party to a hearing may depose witnesses with the approval of the other parties. The board may issue subpoenas to compel the attendance of witnesses at such place as may be designated in this state and to compel the production of books and papers pertinent to any inquiry or investigation authorized

by this act. Subpoenas may be issued at the request of the parties to the proceedings other than the board and the director. If books and papers are required to be produced in advance of a hearing date, the person or agency producing the books and papers shall be entitled to receive reasonable compensation to recover all costs of such production from the person or agency for which they are produced. The board, any member thereof, any hearing examiner designated or appointed under K.S.A. 75-2929f and amendments thereto, or the director when authorized by the board, may administer oaths and take testimony. The board, any such hearing examiner or the director may examine such public records as may be required in relation to any matter which the board has authority to investigate. All officers and other persons shall attend and testify when required to do so by the board, or by the director when authorized by the board.

(d) In case of the refusal of any person to comply with any subpoena issued under this section or to testify to any matter regarding which the person may be lawfully interrogated, the district court of any county, on application of any one of the members of the board, or on application of the director when authorized by the board, may issue an order requiring such person to comply with the subpoena and to testify, and any failure to obey the order of the court may be punished by the court as a contempt thereof. Unless incapacitated, the person placing a claim or defending a privilege before the board shall appear in person and may not be excused from answering questions and supplying information, except in accordance with such person's constitutional rights and lawful privileges.

(e) Each person not in the classified or unclassified service who appears before the board or the director by order shall receive for such person's attendance the fees and mileage provided for witnesses in civil actions in the district court, which fees and mileage shall be audited and paid by the state upon presentation of proper vouchers. Each witness subpoenaed at the request of parties other than the board or the director shall

be entitled to compensation from the state for attendance or travel only if the board certifies that the testimony of such witness was relevant and material to the matter investigated or, if such witness is not called to testify, the board determines and certifies that such compensation should be paid.

(f) The board and the director, in conducting hearings and investigations in accordance with the provisions of this act, shall not be bound by the technical rules of evidence.

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

(2) The director of personnel services shall recommend to the governor the assignment, and from time to time the reassignment, of each class to a specified range approved or modified and approved as modified by the governor, the same shall

become effective on a date or dates specified by the governor. In adopting or revising any plans, the governor shall give consideration to pertinent rates in other public and private employment in the appropriate labor markets, and for this purpose the director shall have made periodic wage and salary surveys with one survey to be conducted each year. The results of such survey and recommendations for revisions in the pay plan are to be forwarded to the governor, the secretary of administration, the director of the budget and the legislature. The recommendations shall give consideration and weight to survey results, to changes in the cost-of-living and to proper internal alignment of the various job classes. The director may use the results of other appropriate surveys conducted by public or private agencies in lieu of or in addition to surveys authorized to be conducted under this subsection (2).

(3) The secretary of administration may delegate the authority to assign positions in the classified service to a class according to the duties and responsibilities thereof to the appointing authority. Such delegation shall specify the particular classes, ranges, and schedules authorized. Appointing authorities delegated such assigning authority shall make monthly reports of assigning transactions to the director of personnel services. Any delegation of such authority is subject to review by the secretary of administration who may modify any delegation made in order to ensure consistency with the state classification plan and may withdraw the delegated authority from the appointing authority upon evidence of improper use of such authority by the appointing authority. The decision of the secretary of administration in regard to the withdrawal of such delegated authority shall be final.

(4) After consultation with the director of the budget and the secretary of administration, the director of personnel services shall prepare a pay plan which shall contain a schedule of salary and wage ranges and steps, and from time to time changes therein. When such pay plan or any change therein is

approved or modified and approved as modified by the governor, the same shall become effective on a date or dates specified by the governor and any such modification, change of date shall be in accordance with any enactments of the legislature applicable thereto.

(5) The classes and pay plan for the classified service as approved by the governor shall be used by the director of the budget in preparation of the budget.

(6) Whenever any appropriation or other act specifies any pay plan or any change, limitation or condition upon the pay plan, personnel or policies of the state or any state agency, such appropriation act or other act shall control the provisions of this section to the extent of their application thereto.

(7) Each state officer or employee in a position in the classified service under the Kansas civil service act may have a review of any classification action under this section which affects such officer's or employee's position by submitting a written request for review to the director of personnel services in accordance with this subsection. Such request for review shall be submitted within 30 days after the effective date of the classification action to be reviewed or, in the case of a classification action which was effective during a payroll period chargeable to the fiscal year ending June 30, 1988, within 30 days after the effective date of this act. Upon receipt of any such request, the director of personnel services or the director's designee shall hold a hearing thereon within 30 days after the date of such receipt and shall review the classification action and the circumstances thereof. Such review shall consider the actual duties and responsibilities of the position and may include a full audit of the position where appropriate. The director of personnel services may adjust, amend or rescind the classification action or take other appropriate action as may be required based upon the findings and conclusions of such review. Any such findings and conclusions and any actions taken by the director of personnel services with respect thereto

may be appealed to the state civil service board in accordance with K.S.A. 75-2929d and amendments thereto by the officer or employee requesting review under this subsection.

As used in this subsection (7), "classification action" includes any reassignment of a position in the classified service to another job class, any modification in the duties and responsibilities of or the qualifications for the existing job class to which the position of the officer or employee requesting the review is assigned, any reassignment of a job class to a range or other position on the pay plan, any abolition of a position in which all or part of the duties and responsibilities of the abolished position are assigned to a new position, and any failure to take a requested classification action when a comparable classification action was taken regarding another position in the classified service which is related or comparable to the position of the officer or employee requesting the review.";

And by renumbering sections 4 and 5 as sections 6 and 7;

Also on page 4, in line 145, by striking "and" the first time it appears and inserting in lieu thereof a comma; also in line 145, preceding "K.S.A." where it appears for the last time, by inserting "75-2938 and"; in line 146, after "22-4524" by inserting "and 75-2929d";

On page 1, in the title, in line 17, by striking all after "to"; in line 18, by striking "cerning" and inserting in lieu thereof "the Kansas civil service act; placing certain"; in line 20, preceding the semicolon, by inserting "in the classified service thereunder"; also in line 20, preceding "amending" by inserting "providing for review of certain classification decisions regarding positions in the classified service;"; also in line 20, by striking "and" and inserting in lieu thereof a comma; in line 21, after "1202d" by inserting "and 75-2938"; also in line 21, after "22-4524" by inserting "and 75-2929d";

And the bill be passed as amended.

0046 attend all meetings of the state building advisory commission
 0047 and keep a full and correct record of its proceedings which when
 0048 approved by the commission and signed by the chairperson shall
 0049 be the official record. The director of architectural services shall
 0050 have such powers and duties as may be prescribed or imposed by
 0051 the secretary of administration or by law.

0052 (b) Subject to approval by the secretary of administration and
 0053 in accordance with appropriation acts, the director of architec-
 0054 tural services shall appoint the professional, technical, adminis-
 0055 trative, clerical and other personnel of the division of architec-
 0056 tural services. *Except as provided in K.S.A. 75-1202a and*
 0057 *75-2935 and amendments thereto, all professional and adminis-*
 0058 *trative positions of the division of architectural services shall be*
 0059 *in the unclassified classified service under the Kansas civil*
 0060 *service act. On and after the effective date of this act, all techni-*
 0061 *cal, clerical and other nonprofessional positions of the division of*
 0062 *architectural services shall be in the classified service under the*
 0063 *Kansas civil service act. Each person performing services for the*
 0064 *division of architectural services in any such nonprofessional*
 0065 *position immediately prior to the effective date of this act shall*
 0066 *continue in such position and shall attain permanent status in the*
 0067 *classified position without examination and without a proba-*
 0068 *tionary period. Such person shall retain all retirement benefits*
 0069 *earned prior to the effective date of this act and such person's*
 0070 *service shall be deemed to have been continuous. Each person*
 0071 *employed on the day preceding the effective date of this act in a*
 0072 *professional or administrative position in the division of archi-*
 0073 *tectural services, which is placed in the classified service under*
 0074 *the Kansas civil service act by this act, shall continue in such*
 0075 *position and shall attain permanent status in that classified*
 0076 *position without examination and without a probationary*
 0077 *period. Such person shall retain all retirement benefits earned*
 0078 *prior to the effective date of this act and such person's service*
 0079 *shall be deemed to have been continuous.*

0080 See 3. K.S.A. 75-1017 is hereby amended to read as follows:
 0081 75-1017. The compensation to be paid employees of the division
 0082 of printing shall be no greater than that paid by other printing

who has been employed continuously for at least
 the six-month period immediately prior to

0120 and the biweekly earnings shall be paid to officers and employ-
0121 ees on the twelfth calendar day following the end of the
0122 biweekly work period.

0123 See 4 3. K.S.A. 1987 Supp. 22-4524 is hereby amended to
0124 read as follows: 22-4524. (a) There is hereby created the position
0125 of state director of indigents' defense services. The director shall
0126 *be in the unclassified service under the Kansas civil service act,*
0127 *shall be appointed by the state board of indigents' defense*
0128 *services and shall devote full time to the performance of the*
0129 *duties of the office of director.*

0130 (b) The state director of indigents' defense services, *the*
0131 *assistant director and all other officers and employees attorneys*
0132 *appointed or employed by the state board of indigents' defense*
0133 *services shall be in the unclassified service under the Kansas*
0134 *civil service act. All other officers and employees of the board*
0135 *shall be in the classified service.*

0136 (c) *Each person employed on the day preceding the effective*
0137 *date of this act who is an officer or employee of the board, which*
0138 *is placed in the classified service under the Kansas civil service*
0139 *act by this act, shall continue in such position and shall attain*
0140 *permanent status in that classified position without examination*
0141 *and without a probationary period. Such person shall retain all*
0142 *retirement benefits earned prior to the effective date of this act*
0143 *and such person's service shall be deemed to have been continu-*
0144 *ous.*

0145 Sec. 5 4. K.S.A. 75-1017, 75-1202a and 75-1202d and K.S.A.
0146 1987 Supp. 22-4524 are hereby repealed.

0147 Sec. 6 5. This act shall take effect and be in force from and
0148 after its publication in the statute book.

who has been employed continuously for at least
the six-month period immediately prior to