

MINUTES OF THE HOUSE COMMITTEE ON BUSINESS, COMMERCE & LABOR.

The meeting was called to order by Chairman Al Lane at 9:10 a.m. on March 10, 1995 in Room 526-S of the Capitol.

All members were present except: Rep. Jill Grant - excused
Rep. David Heinemann - excused
Rep. Candy Ruff - excused

Committee staff present: Jerry Donaldson, Legislative Research Department
Bob Nugent, Revisor of Statutes
Bev Adams, Committee Secretary

Conferees appearing before the committee:

Bobbi Mariani, Assistant Director of the Division of Personnel Services
Jerry Magnuson, State Project Director for SHARP
Bill McGlasson, Assistant Director, Division of Personnel Services
Kyle Smith, Assistant Attorney General at the Kansas Bureau of Investigation
Kelly Jennings, Kansas Association of Public Employees (KAPE)

Others attending: See attached list

Chairman Lane announced that the committee would be meeting on Monday, March 13. There will be possible action on SB 29, SB 93, SB 103, SB 104, SB 105.

Continued hearing on:

SB 175--State officers and employees; selection, appointment and layoff

Chairman Lane asked Bobbi Mariani to stand for questions. The committee had none at this time.

Jerry Magnuson, State Project Director for SHARP, appeared to tell some of the history of this project. In late 1992, the Legislature and the Executive Branch proposed that the state do a state wide study of the personnel/payroll/benefits functions. This very expensive study was done at the end of 1992. The report was presented in January 1993. It was decided to pursue a new statewide human resource/benefits/payroll system. A proposal was written in late 1993 and the request for the proposal went through the state purchasing process. Bids were submitted and evaluated in January and February 1994. The project was started in May of 1994. From May to November an analysis was done of the way the State currently was conducting its human resource/benefits/payroll processes. They called this business process reengineering. They looked at common business practices as they apply to these main areas of human resources/payroll/benefits. From this analysis a very detailed document of how they would do business under the new system and the new processes. This is what led up to the changes contained in SB 172, SB 175 and SB 176.

Bill McGlasson, Assistant Director, Division of Personnel Services, talked about skills assessment. He stated that they use a combination of ways to assess skills. They are self reported by filling out an application, verified through the selection process, also there are some tests for certain skills. New employees are on a six months probation, and if they are not able to carry out the job skills, they are terminated. Mr. McGlasson answered question from the committee.

Kyle Smith, Assistant Attorney General at the Kansas Bureau of Investigation, (KBI) appeared at the request of Director Larry Welch of the KBI. Their requests are primarily technical amendments. The KBI has no objections to the amendments contained in SB 175, but thought that this might be an appropriate bill to clean up some language contained in the statute. Also they would like to amend the bill to authorize the appointment of more than one assistant director (see Attachment 1).

Kelly Jennings, KAPE, appeared as an opponent to one amendment contained in SB 175. The portion that KAPE opposes is found in Section 9 which appears on page 9, lines 9-25 of the bill. This part would allow an appointing authority to completely ignore an employees length of service to the state in order to expand the pool of applicants for the promotion opportunities. Without an amendment to SB 175 which includes

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON BUSINESS, COMMERCE & LABOR, Room 526-S
Statehouse, at 9:10 a.m. on March 10, 1995.

seniority as a criteria for promotions, KAPE must stand in opposition to the bill (see Attachment 2). Ms. Jennings ended her testimony by answering questions from the committee.

Because of the time, Chairman Lane continued the hearing on SB 175 to Monday, March 13.

The meeting was adjourned at 9:52 a.m.

The next meeting is scheduled for Monday, March 13, 1995.



LARRY WELCH
DIRECTOR

KANSAS BUREAU OF INVESTIGATION
DIVISION OF THE OFFICE OF ATTORNEY GENERAL
STATE OF KANSAS



CARLA J. STOVALL
ATTORNEY GENERAL

TESTIMONY
KYLE G. SMITH, ASSISTANT ATTORNEY GENERAL
KANSAS BUREAU OF INVESTIGATION
BEFORE THE HOUSE BUSINESS, COMMERCE AND LABOR COMMITTEE
REGARDING SENATE BILL 175
MARCH 9, 1995

Mr. Chairman and Members of the Committee:

I appreciate the opportunity to appear before this committee on behalf of the Director of the Kansas Bureau of Investigation, Larry Welch. I appear today, not as to the merits of SB 175, but at the request of Director Welch to offer what are primarily technical amendments.

Section 1 of SB 175 amends KSA 75-711, which is the authorizing statute creating the Kansas Bureau of Investigation (KBI). The KBI has no objections to the amendments contained in SB 175, but thought that this might be an appropriate vehicle to clean up some antiquated language contained in that statute, as well as authorize a slightly different organizational format for the KBI.

The attached balloon shows the amendments we are requesting. The amendments do essentially two things. First, they authorize the appointment of more than one assistant director, although we will have to work with Appropriations and the Department of Personnel Services as to how that and if that will ever be implemented.

The second purpose of the amendment is striking anachronistic language that was left over from programs that are no longer in existence. In particular, between lines 30 and 37, dealing with specially federally funded organized crime agents and on page 2, lines 3-4, dealing

1620 TYLER TOPEKA, KANSAS 66612
(913) 296-8200 FAX: 296-6781

*Business, Commerce
& Labor
3/10/95
Attachment 1*

with narcotic violation investigators which have not existed for ten years.

While this antiquated language does no real harm other than to create some confusion, we would like to take this opportunity to have it struck from the statute. Thank you for your consideration. I would be happy to stand for questions.

SENATE BILL No. 175

By Committee on Ways and Means

2-1

12 AN ACT concerning state officers and employees; relating to the selec-
13 tion, appointment and layoff; amending K.S.A. 75-711, 75-2925, 75-
14 2926, 75-2938, 75-2939, 75-2940, 75-2942, 75-2944, 75-2945, 75-2947,
15 75-2948 and 75-5605 and K.S.A. 1994 Supp. 75-2943 and 75-2955 and
16 repealing the existing sections.

17
18 *Be it enacted by the Legislature of the State of Kansas:*

19 Section 1. K.S.A. 75-711 is hereby amended to read as follows: 75-
20 711. There is hereby established, under the jurisdiction of the attorney
21 general, a division to be known as the Kansas bureau of investigation. The
22 director of the bureau shall be appointed by the attorney general, subject
23 to confirmation by the senate as provided in K.S.A. 75-4315b, and amend-
24 ments thereto, and shall have special training and qualifications for such
25 position. In accordance with appropriation acts, the director shall appoint
26 agents who shall be trained in the detection and apprehension of crimi-
27 nals. The director shall appoint ~~an~~ assistant ~~director~~ who shall have the
28 qualifications of an agent. The director ~~may~~ also ~~may~~ appoint a special
29 assistant and, in accordance with appropriation acts, such administrative
30 employees as are necessary for the efficient operation of the bureau. ~~It~~
31 ~~shall be the duty of the director to employ and in accordance~~
32 ~~with appropriation acts, the director may appoint additional agents who~~
33 ~~shall be trained in the investigation of organized crime and~~
34 ~~the compensation for such agents shall be paid from federal funds if such~~
35 ~~funds are made available for that purpose. If federal funds are unavailable~~
36 ~~the compensation of such agents shall be paid from any other funds~~
37 ~~available to the state.~~ No person shall be appointed to a po-
38 sition within the Kansas bureau of investigation if the person has been
39 convicted of a felony.

40 The director, special assistant and any assistant attorneys general as-
41 signed to the bureau shall be within the unclassified service under the
42 Kansas civil service act. The assistant ~~director~~ and all other agents and
43 employees of the bureau shall be in the classified service under the Kansas

_____ may
_____ directors

_____ directors



1300 South Topeka Avenue Topeka, Kansas 66612 913-235-0262 Fax 913-235-3920

KELLY JENNINGS
Representing
Kansas Association of Public Employees
In Opposition to Senate Bill 175
March 8, 1995

Mr. Chairman and members of the committee, good morning. My name is Kelly Jennings, and I represent the Kansas Association of Public Employees. I appear here this morning in behalf of KAPE to testify in opposition to Senate Bill 175.

Senate Bill 175 seeks to amend portions of the current statutory mandates regarding the selection, appointment, promotion, lay-off, and reappointment of employees in the service of the State of Kansas.

Both KAPE and the Department of Administration share the common vision of an employment system which insures to the state the highest quality, properly compensated, and most productive work force possible. Such a system should be designed to give all interested and qualified citizens an equal opportunity for state employment and eliminate, to the greatest extent possible, the potential for abuse within the system. Most of the provisions of

*Business, Commerce
& Labor
3/10/95*



this bill are proposed to provide the framework necessary to make those goals attainable.

The portion of S.B. 175 that KAPE opposes may be found in Section 9 which appears on page 9, lines 9-25 of the bill.

Currently an employee's length of service to the state is not controlling, but is one of several factors which are taken into consideration when promotional opportunities arise. This bill would allow an appointing authority to completely ignore this criteria in order to expand the pool of applicants for the promotion opportunities.

In KAPE's view, such a practice sends the very negative message to state employees that the promotional system may be manipulated, and their loyalty and career commitment to the state may count for nothing at promotion time.

In the alternative, a system which relies more heavily on objective, measurable criteria, such as seniority, sends two messages. First, that the system attempts to eliminate opportunities for discrimination; and second, that the state appreciates loyalty, and intends to reward that loyalty with special consideration.

KAPE does not propose that long term service to the state be a replacement for promotional qualifications. But if an employee is properly qualified, their career commitment to the state should carry with it some value. Under such

a system, all employees would know that their qualifications, coupled with their years of satisfactory service, will pay a dividend. That single change could provide a tremendous boost to morale, a corresponding effort at greater productivity, and lower turnover among all state employees. Such a practice would truly be an example of a "win-win" proposition. The state would fill a promotional vacancy with a qualified employee who had demonstrated a prior commitment to state service, and the employees would feel a greater sense of loyalty and commitment to a thankful employer.

Without an amendment to S.B. 175 which includes seniority as a criteria for promotions, KAPE must stand in opposition to S.B. 175.

Thank you for your consideration and I will be happy to answer any questions you may have.