

Approved: 2-8-95
Date

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Senator Lana Oleen at 11:10 a.m. on February 2, 1995 in Room 254-E of the Capitol.

All members were present

Committee staff present: Mary Galligan, Legislative Research Department
Mary Torrence, Revisor of Statutes
Kim Perkins, Committee Secretary

Conferees appearing before the committee: Cindy Lash, Division of Post Audit
Phillip DeLaTorre, Confirnee for the Kansas Human Rights Commission
Brenda C. Jones, Confirnee for the Kansas Human Rights Commission

Others attending: See attached list

Sen. Oleen introduced Cindy Lash, Legislative Post Audit to give a presentation on the performance audit entitled Reviewing Human Rights Commission Contracts for Case Investigations (Attachment 1). Cindy Lash addressed the considerable amount of backlog within the Human Rights Commission and discussed some solutions, including the contracting out of cases to local civil rights agencies.

Sen. Oleen asked Cindy Lash if, for example, there were a complaint in Manhattan which was filed in Topeka, does the city of Manhattan have the authority to tell the person who filed the claim that he or she had to re-file with the city of Manhattan. Cindy Lash answered the location where a person files his or her claim was purely voluntary. Sen. Oleen asked if filing with the federal government was another option and Cindy Lash answered affirmatively.

Sen. Jones asked Cindy Lash to give an example of a private vendor which the commission may use. Lash answered that a private vendor was a separate organization which solely contracts out investigative services for complaints. This practice is utilized because the federal government does not want the commission investigating its own internal complaints.

Sen. Jones asked Cindy Lash if all states experienced backlogs and Lash answered that they did. Sen. Oleen asked if there was a statute of limitation on the filing and action of claims. Brandon Meyer, Human Rights Commissioner, answered that the limit for filing was 6 months normally or 180 days and Sen. Oleen followed by asking how old were some of the oldest claims. Cindy Lash answered that they were still processing claims in excess of two years. Sen. Tillotson asked if there is a specific place where backlog begins, and Lash answered that the backlog begins at the point of investigation.

Sen. Oleen announced that the discussion of case investigations within the Human Rights Commission would continue on Wednesday, February 8 and then introduced Brenda C. Jones for confirmation hearing to the Kansas Commission on Human Rights. Brenda Jones gave a brief introduction about herself. Sen. Parkinson stated that Jones' resume is outstanding and her community service was commendable. Sen. Oleen asked how she became aware of the commission opening and Jones answered that she was approached and asked to send in a resume by the administration of former Governor Finney. Sen. Gooch asked Ms. Jones how many African Americans served on the committee and she responded the ratio was 3 of 7.

Sen. Oleen asked Ms. Jones how she would propose to address the problem of the backlog. Ms. Jones answered that while the recent campaign is to downsize, people's needs must be addressed in a timely manner and that even if it means the addition of more investigators, this must be accomplished. Sen. Oleen asked whether Ms. Jones had the opportunity to speak with either former Governor Finney or Governor Graves regarding her concerns and Jones answered that she had not yet had the opportunity.

Sen. Jones asked if the degree of experience which Jones had gave her an edge with the case to case aspects of her position. Brenda Jones answered that she believed that she had insight in dealing with the cases and is especially qualified and prepared to determine underlying problems with a variety of situations.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS, Room 254-E
Statehouse, at 11:10 a.m. on February 2, 1995.

Sen. Oleen stated that the types of discrimination, ranked by volume of complaints, are sexual harassment - first; disability discrimination - second; age discrimination - third; and race discrimination - fourth. Sen. Oleen then asked Ms. Jones which type of discrimination had been most experienced in AT&T where she is employed. Brenda Jones answered that she generally believed that age discrimination received the most complaints. Sen. Ramirez asked if she had consulted her supervisors about the time release she would need to serve on the commission. Jones answered that her supervisors treated her position as community service and allowed her to have leave time from her position with pay.

Sen. Oleen introduced Phillip DeLaTorre for his confirmation hearing to the Human Rights Commission. After DeLaTorre's opening remarks, Sen. Parkinson asked whether, considering the backlog of cases, a claim might be better off in civil litigation. DeLaTorre answered that he assumed that the agency was created for good reason and that the courts have their own backlog, so transfer to the civil litigation process would not solve the problem.

Sen. Praeger asked how much contact the commission had with local agencies and DeLaTorre answered that there was very little contact between the two. Sen. Praeger expressed her concern that the Lawrence Human Rights Commission was unclear as to their case log and opportunity to increase their investigations.

Sen. Oleen asked Phillip DeLaTorre if he were the most senior member of the commission and DeLaTorre answered that he was the third senior member. Sen. Oleen asked DeLaTorre if he had discussed the backlog problem with current or past administration, and DeLaTorre answered that he had spoken with former Governor Finney and had hoped to address the issue with Governor Graves.

Sen. Oleen called for further questions, and seeing none, the meeting adjourned at 12:03 p.m.

The next meeting is scheduled for February 3, 1995.

JAN 23 1995



LEGISLATURE OF KANSAS

LEGISLATIVE DIVISION OF POST AUDIT

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January 20, 1995

Senator Lana Oleen, Chair
Senate Federal and State Affairs Committee
Room 126-N, Statehouse
Topeka, Kansas 66612

Dear Senator Oleen:

As you know, at its meeting yesterday, the Legislative Post Audit Committee reviewed the completed performance audit, Reviewing Human Rights Commission Contracts for Case Investigations. I thought that you and your Federal and State Affairs Committee might be interested in reviewing this audit.

As of December, 1994, the Commission had not yet entered into any contracts for investigative services, and had not spent any of the \$125,000 appropriation it received for fiscal year 1995 for such contracts. The Commission's current plan to contract with local civil rights agencies, rather than with private vendors, may be hampered by those agencies' limited ability to take on additional work. To evaluate potential cost savings from contracting, the Commission will need to develop good information on the cost of processing investigations inhouse. Contracting will not have a significant effect on the amount of federal money the Commission receives in the current year, but could increase federal reimbursement in the future.

This audit was conducted by Cindy Lash of the Division's staff. If you have any questions or need additional copies of the audit, Cindy will be happy to assist you. She can be reached at (913) 296-3792.

Sincerely,

A handwritten signature in cursive script that reads "Barb Hinton".

Barbara J. Hinton
Legislative Post Auditor

BJH:mkz
Enclosure

cc: Members, Federal and State Affairs Committee
Mary Galligan, Legislative Research Department
Mary Ann Torrence, Revisor of Statutes

Sen. Fed & State
2-2-95
Attachment 1