

Approved: February 6, 1996
date

MINUTES OF THE SENATE COMMITTEE ON COMMERCE.

The meeting was called to order by Chairperson Alicia Salisbury at 8:00 a.m. on February 2, 1996 in Room 123-S of the Capitol.

Members present: Senators Salisbury, Burke, Downey, Feleciano, Gooch, Jordan, Petty, Ranson, Reynolds, Steffes and Vidricksen.

Committee staff present: Lynne Holt, Legislative Research Department
Jerry Donaldson, Legislative Research Department
Betty Bomar, Committee Secretary

Conferees appearing before the committee:
Doyle Rahjes, Agra
Floyd Taylor, Topeka
Errol Williams, Topeka
Scott Stone, Executive Director, Kansas Association of Public Employees

Others attending: See attached list

Upon motion by Senator Burke, seconded by Senator Ranson, the Minutes of the February 1, 1996 meeting were unanimously approved.

Confirmation hearing on the appointment of Doyle Rahjes to the Kansas Technology Enterprise Corporation Board, term expiring January 15, 1999.

Doyle Rahjes testified he was appointed as a director representing industries of agriculture, oil and gas to the Kansas Technology Enterprise Corporation Board (KTEC). Mr. Rahjes advised the Committee he has been involved in agriculture since 1954, owning a 2000 acre farm and livestock operation. Mr. Rahjes was the Chief Executive Officer of Kansas Farm Bureau and affiliated companies; trustee, Dane G. Hansen Foundation, including management of oil and agriculture properties; and was on several bank boards. Mr. Rahjes stated he had observed what KTEC had been doing over the last few years and feels the technology developed is very important to agriculture. Mr. Rahjes stated it is very important to the maintenance and growth of farming and agri-business in our state to ensure the use of research and technology.

Confirmation hearing on the appointment of Floyd Taylor to the Public Employee Relations Board, term expiring March 15, 1998.

Floyd Taylor testified he was appointed to a "public at large" position of the Public Employee Relations Board on May 23, 1995. Mr. Taylor stated he held management positions with insurance companies for 42 years and was President of two companies. Mr. Taylor advised the Committee he believes the most important ingredient he could bring to the Board was fairness. He stated he had attended only one meeting since his appointment, has a sense of what the Board is about but recognizes he has a lot to learn and is looking forward to the challenge.

Confirmation hearing on the appointment of Errol Williams to the Public Employee Relations Board, term expiring March 15, 1998.

Errol Williams testified he was appointed to the "public employee" position of the Public Employee Relations Board (PERB). He stated he is not affiliated with any political party. Mr. Williams advised the Committee as to his educational and professional background, specifically his employment with the state of Kansas since 1979. He stated he held jobs ranging from that of janitor to his present position as Director of Human Resources in the Department of Commerce and Housing is a classified position. Mr. Williams stated his position is that of assisting employees with policies and procedures, assisting in job training and recruitment, retirement counseling, and overseeing personnel records and transactions. Mr. Williams testified his position was one as an employee inasmuch as he could not hire nor fire, but could only advise and consult with the Secretary who has the final authority. Questions were raised as to whether Mr. Williams appointment met the "spirit of the law" as to whether he met the qualification of a "public employee". There

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON COMMERCE, Room 123-S Statehouse, at 8:00 a.m. on February 2, 1996.

was considerable discussion as to whether an individual in a supervisory capacity does meet the requirement of a "public employee". Mr. Williams stated he had no reservations about serving the Board as the "public employee" representative in a fair and equitable manner. Attachment 1

Scott Stone, Executive Director, Kansas Association of Public Employees, appeared in opposition to the appointment of Errol Williams to the PERB. Mr. Stone testified the Association does not believe a public employee supervisor is an appropriate nominee for the "employee position" on the Board. He stated Mr. Williams would not be impartial in his decisions. Attachment 2

The meeting adjourned at 9:00 a.m.

The next meeting is scheduled for February 6, 1996.

**Testimony by Errol V. Williams
for Appointment to
Public Employee Relations Board**

**Presented to Senate Commerce Committee
Honorable Alicia Salisbury, Chair
February 2, 1996**

Madam Chair and members of the Senate Commerce Committee, my name is Errol V. Williams. I am honored to appear before you today to seek your support for my appointment to the Public Employee Relations Board. I consider it a distinct honor and privilege to be nominated by Governor Graves to serve as a member of this Board.

I am sure you have received a copy of my completed background information; however, I would like to tell you a little about my background.

I was born in Kingston, Jamaica. I am a naturalized U.S. citizen who has lived in the United States of America continuously for 20 years. The state of Kansas has been my home since January 4, 1979. Before moving to Kansas, I lived in New York City.

My formal education in Jamaica included graduation from high school and completion of the University of Cambridge 'O' Level examinations. After graduating high school, I attended the Jamaica School of Agriculture where I obtained the Diploma in Agriculture. Following graduation from the School of Agriculture, I started my professional career as a researcher at a Ministry of Agriculture sponsored Agricultural Experimental Station. While this was rewarding, I felt I could better contribute by teaching. Thus, I accepted a position as a school teacher.

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teaching 9th, 10th, and 11th grades. My community activities in Jamaica, included extensive work with the Jamaica Literacy Project and the Jamaica 4-H Clubs. I was selected to serve a year as the National President of the Jamaica 4-H Clubs and was also selected as Jamaica's representative for the prestigious International 4-H Youth Exchange (IFYE) Program.

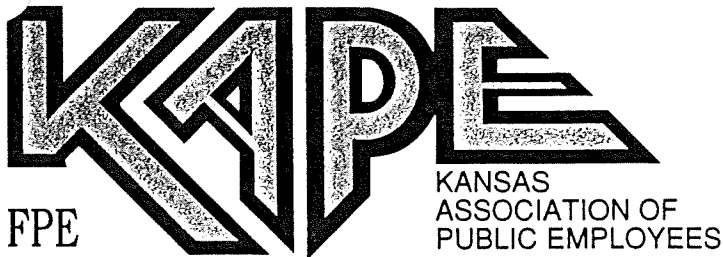
After moving to the United States, I experienced difficulty obtaining employment that matched my background and experience. This obstacle was central to my decision to reeducate myself under the American system in American schools. To this end, I enrolled at Kansas State University and embarked on a course of study in 1979. While studying at KSU, I worked in positions at all levels of the University. My first position was that of a lab assistant in the Microbiology Department where I cleaned the lab, sterilized all equipment, put out the trash, and performed other duties assigned by the Professor. I also held positions as Research Assistant, Tutor, and Graduate Teaching Assistant, again, while completing my full-time studies in economics, statistics and public administration.

I began full-time state employment in Topeka after being selected for the Kansas Governor's Fellowship Program in 1986. During my fellowship year, I was assigned to the Department of Corrections where I was offered the opportunity to finish my fellowship with the National Institute of Corrections, United States Department of Justice in Washington, D.C. I returned to Kansas at the end of my stint in Washington and have since continued my state career as a Human Resource Professional in the classified service. My experience as a Human Resource Professional includes work in the Division of Personnel Services of the Department of Administration and at Commerce and Housing where I am currently employed.

The Board performs a vital role in ensuring harmonious, cooperative relationships between government and its employees. The importance of this role will not be lost on me as I perform my duties as a member of PERB. I have almost 16 years of employment with state government in Kansas. During these years I have worked at all levels and in many functions of government.

If confirmed to the Board, I will listen to the arguments of the parties, apply careful, reasoned analysis, and take positions which are fair and impartial while complying with all applicable laws.

Thank you Madam Chair and members of the Committee for the opportunity to appear before you. I will be happy to answer any questions you may have.



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TESTIMONY OF SCOTT A. STONE
Executive Director and Chief Counsel,
Kansas Association of Public Employees (KAPE)

Before the Senate Commerce Committee.

February 2, 1996, 11:00 a.m.
State Capitol, Room 123-S

Testimony in opposition to the confirmation of Errol Williams as the employee representative on the Public Employee Relations Board (PERB).

My name is Scott A. Stone and I am the Executive Director and Chief Counsel for the Kansas Association of Public Employees (KAPE). Madame chairman and members of the committee, I appreciate the opportunity to appear before you today to discuss the confirmation of Errol Williams to the Public Employee Relations Board or PERB. I appear before you today in the dual capacity of representative of public employees and as an attorney. KAPE has been elected by 20,000 public employees to be their representative with various public employers across the state.

KAPE opposes the confirmation of Mr. Williams because he does not legally qualify as the employee representative on PERB. KAPE bears absolutely no ill will towards Mr. Williams and is sure he is an upstanding citizen, but nonetheless, he is a supervisor and therefore part of and most loyal to management.

As an attorney, I am troubled by the governor's slate appointment of an entirely new board. The appointments were for three Republicans and two Independents. While it

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Affiliated with the Federation of Public Employees / AFT / AFL-CIO



Attachment 2 Feb 2-3

is true that the law states no more than three members shall be of the same political party, "Independent" was not a party the last time I checked. How could this reflect the public at large or the employees of the state? There is no balance and KAPE now recognizes that the avenue of resolving disputes through PERB will effectively be closed for years to come.

K.S.A. 75-4323(a) states that one member shall be representative of public employees. Yes, Mr. Williams is an employee of the state of Kansas, but so are Sheila Frahm and Governor Graves. Mr. Williams is a supervisor in every sense of the word. He has stated himself, in information submitted to this committee, that he has the power to hire, fire, evaluate, and otherwise discipline. Mr. Williams is the Director of Personnel for the Kansas Department of Commerce and Housing. Personnel directors are paid to protect the EMPLOYER. Mr. Williams will certainly sympathize with employer positions rather than employee issues. Not only will he not be impartial, he do the opposite of what the position calls for.

KAPE has gone to the Governor to express dissatisfaction with the appointment of Mr. Williams as early as last July. I told the Governor then, KAPE would have to oppose such a nomination if it were not withdrawn. KAPE stated absolutely no opposition to the other four nominees, but the employee position definitely requires input from the employee representative. There is no surprise attack by me appearing here today with this testimony.

KAPE implores this committee to find that the laws already on the books preclude a public employee supervisor from being the representative of the employees. This is a plainly evident conflict of interest that the board member will have to reconcile. Even if

KAPE got to select the employee representative, there would still be four members to our one and the board would still be stacked against employees.

PEERA states in its preamble that the people of this state have a fundamental interest in the development of harmonious and cooperative relationships between the government and its employees. PEERA further states that the refusal by some to accept the principle and procedure of full communication between public employers and public employee organizations can lead to various forms of strife and unrest.

KAPE sees Mr. Williams as complete repudiation of the intent and purpose of PEERA by effectively removing any legitimate debate and changing PERB from a resolver of disputes into a rubber stamp for management's policies.

I would like to thank the members of this committee for their time and consideration on this matter. I will gladly stand for any questions you may have.

Thank you.