

Approved: 4-25-96
Date

MINUTES OF THE SENATE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairperson Barbara Lawrence at 1:30 p.m. on February 6, 1996 in Room 123-S of the Capitol.

All members were present except: Senator Nancy Harrington

Committee staff present: Ben Barrett, Legislative Research Department
Avis Swartzman, Revisor of Statutes
Jennifer Bishop, Committee Secretary

Conferees appearing before the committee: Mark Tallman, KASB
Gerry Henderson, USA

Others attending: See attached list

SB 521: School employees relating to compensation thereof affecting the times of payment

Mark Tallman addressed the committee as a proponent of the concept behind **SB 521**. He stated that **SB 521** would require that all contractual district employees receive payment in at least 12 substantially equal installments. KASB is concerned that this approach is as rigid as the current law. In its present form, **SB 521** would allow those districts who are already extending payments to continue to do so. But it would also require those districts who are complying with current law to make this change, whether or not the board and employees want to make a change. Instead of making the amendments provided in Section 1 of the bill, KASB proposed that some language be added to the bill, which is provided in the testimony. This language would allow local boards to determine whether or not to extend the payment schedule for less than 12 month employees (Attachment 1).

Gerry Henderson stated that he was appearing for one of the members regarding a certain situation with the bill. SB 521 attempts to solve the present problem by adding all members in school employment to the language which now applies only to persons under the continuing contract law. This would mean that people who are not under any contract would not be able to receive any benefits. The people who are not on a contract are mainly there to receive those benefits. He asked that this matter be looked into further before making any final decisions (Attachment 2).

Senator Oleen made a motion to amend the bill with the language proposed. Senator Emert seconded the motion.

Avis Swartzman was confused about the language being amended to the bill and asked for further explanation.

Senator Lawrence asked Mark Tallman if he could provide a balloon to better explain his purpose. Mark Tallman answered yes.

Senator Oleen withdrew her motion. Senator Emert withdrew his second.

The meeting adjourned at 1:57 p.m.

The next meeting is scheduled for February 7, 1996.

SENATE EDUCATION COMMITTEE GUEST LIST

DATE: February 6, 1996

NAME	REPRESENTING
Mark Tallman	KASB
Nancy C. [unclear]	USA
Serafin [unclear]	USA & KS
Craig Grant	HNEA
Joe Chase	KNEA
Hershel [unclear]	cit.
Jim Yonally	USD # 512
Diane [unclear]	USD 259
Kenneth Woods	USD # 365



TO: Senate Committee on Education
FROM: Mark Tallman, Director of Governmental Relations
DATE: February 6, 1996

RE: Testimony on S.B 521

Madam Chairman, Members of the Committee:

We appreciate the opportunity to appear today as proponents of the concept behind S.B. 521. Currently, state law requires that the contractual compensation of certified school district employees (mainly teachers and administrators) be paid in at least 12 monthly installments, even if the employee's contract is for less than 12 months. However, school districts have no authority to make such an arrangement for non-certified staff.

This summer, our association provided an advisory to school districts on this matter, and learned that a number of districts have been providing compensation on a 12 month basis for non-certified staff anyway. Many employees appreciate this system. It allows districts to make deductions throughout the year for employee benefits. Unfortunately, however, the practice is not legal. The Kansas Wage Payment Act generally requires that individuals be paid within 15 days of the end of the pay period. A change in the law is necessary to allow districts to pay non-certificated staff who work less than 12 months on a 12 month basis.

S.B. 521 would require that all contractual district employees receive payment in at least 12 substantially equal installments. KASB is concerned that this approach is as rigid as the current law. In its present form, S.B. 521 would allow those districts who are already extending payments to continue to do so. But it would also require those districts who are complying with current law to make this change, whether or not the board and employees want to make a change.

Instead of making the amendments provided in Section 1 of the bill, we would propose that the following language be added to the bill:

"A unified school district may require the contracted salary amount for employees contracted less than 12 months to be paid in not less than 12 substantially equal payments beginning with the first month of such employees contract. The payment schedule shall be according to board policy approved prior to the beginning of the employment contract and a copy of such policy shall be provided to each participating employee.

"Upon approval of the policy the provisions of K.S.A. 44-314 (b) shall not apply."

This language would allow local boards to determine whether or not to extend the payment schedule for less than 12 month employees.

Thank you for your consideration.

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ATTACHMENT 1



SB 521

Testimony presented by Gerald W. Henderson, Executive Director
United School Administrators of Kansas
February 6, 1966

Madam Chairman and Members of the Committee:

SB 521 may be one of those bills drafted in an effort to help solve a problem, which causes more problems than it solves. We appear here this afternoon at the request of one of our members, who pointed out a situation which could well apply to a number of our members.

In many school districts, school administrators are able to attract people to work at jobs such as bus driver, building custodian, or food service worker because such employment qualifies the worker's family for the district's group health insurance or other Cafeteria 125 salary reduction benefit plans. In many cases such benefits are the sole purpose for taking the job, as most if not all of the salary is reduced to pay for the benefit.

As we understand current law affecting the payment of wages, school districts are prohibited from stretching payment for a nine month contract over twelve months for other than certified employees. **SB 521** attempts to solve the problem by adding all *members in school employment* to the language which now applies only to persons under the continuing contract law. Such inclusion would appear to mandate that wages for all contracted employees be spread over twelve months.

Two questions which have surfaced from conversations I have had with members are:

1. Will this proposal place districts in violation of federal and state wage and hour laws?
2. Will this proposal qualify less than twelve month classified employees for unemployment compensation during the summer?

I do not have legal staff available to provide me with answers to these questions, but I believe they and perhaps others will need to be answered before **SB 521** is considered.

LEG/SB521

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ATTACHMENT 2