

Approved: 2/27/96  
Date

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION.

The meeting was called to order by Chairperson Al Ramirez at 1:30 p.m. on February 20, 1996 in room 531-N of the Capitol.

All members were present except:

Committee staff present: Julian Efird, Legislative Research Department  
Jacqueline Breymeyer, Committee Secretary

Conferees appearing before the committee: Carol Earls Franklin, Member  
Kansas Human Rights Commission

Onofre E. Astorga, Member  
Kansas Human Rights Commission

Others attending: See attached list

The meeting was called to order at 1:34 p.m. by Senator Ramirez, Chairperson. He called for action on the minutes of February 7. Senator Feleciano moved the minutes of February 7 be approved. Senator Papay gave a second to the motion. The motion carried.

The agenda for the day was confirmation hearings on Carol A. Earls-Franklin, Kansas Human Rights Commission, and Onofre Astorga, Kansas Human Rights Commission. Ms. Franklin and Mr. Astorga will be filling the Industry seats on the Commission.

Ms. Franklin was first to speak to the committee. Copies of her Senate Confirmation Questionnaire (Attachment 1) and Testimony (Attachment 2) were distributed to the committee.

Ms. Franklin gave personal background and work history and stated she has worked in the Human Resources area with white collar, blue collar, and no-collar workers. She has dealt with all layers of employment from the pole climbers to executive vice presidents. She has also been active with various civic, community, social and educational groups.

Ms. Franklin was asked if there was anything she could see that would be a deterrent to her confirmation. She replied that she could not see any impediments to her being confirmed.

The Chairman thanked Ms. Franklin and turned to the next confirmation candidate, Mr. Onofre Astorga. Mr. Astorga thanked the committee for the opportunity to appear. His Senate Confirmation Questionnaire (Attachment 3) and Biographical Brief (attachment 4), were distributed. Mr. Astorga gave his work history, along with his current responsibilities, involvement with various organizations and community work.

Mr. Astorga was asked if he had any experience dealing with migrant workers in the Dodge City area. He responded that he had worked with Tony Alveraz on the regional Hispanic Council and that he rates his relationship as good with that community.

Mr. Astorga talked about the image of the meat packing industry and feels that his company is doing a good job in this area. The company receives over 100 employment applications a week. The company is also competitive in the wage area, with entry level starting at approximately \$7.50 per hour and other workers paid approximately \$10.00 per hour.

After answering other questions, Mr. Astorga introduced his wife, Monica, and daughters, Brianna and Stefani.

The Chairman told Ms. Franklin and Mr. Astorga that the confirmations would be taken up at a later date. After stating the agenda for Wednesday, February 21, the Chairman adjourned the meeting at 2:10 p.m.

The next meeting is scheduled for February 21, 12:00 p.m., Room 519-S.



## SENATE CONFIRMATION QUESTIONNAIRE

Office of Governor Bill Graves

Please complete and return this form to the Governor's Appointments Office. Attach additional sheets if necessary.

Name: Carol A. Earls Franklin  
 Home Address: 4206 Quail Pointe Terrace  
 City, State, Zip: Lawrence, Ks 66047  
 Business Address: 818 Kansas Avenue  
 City, State, Zip: Topeka, Ks 66601  
 Home Phone: (913) 841-9629 Business Phone: (913) 575-6511  
 Date of Birth: 12-20 Place of Birth: New Orleans, La.  
 Party Affiliation: \_\_\_\_\_ KBI Check:  NA  In Process  Complete  
 Appointed as: Member, Human Rights Commission  
 Appointment Date: 2/9/96 Expiration Date: 1/13/2000  
 Term Length: 4 years Statutory Authority: K.S.A. 44-1003  
 Salary: \_\_\_\_\_ Predecessor: \_\_\_\_\_  
 Statutory Requirements: See attached

### BACKGROUND

1. List high school, college, or other education institution attended along with the date attended and degree conferred.

Education Institution	Dates	Degree
<u>Dillard University New Orleans</u>	<u>1972</u>	<u>BBA</u>
<u>Spring Hill College Mobile, AL</u>	<u>1990-92</u>	<u>MBA candidate (1 class to complete)</u>

2. List memberships in business, trade and professional organizations for the past 10 years.

Organization	Dates
<u>American Gas Association</u>	<u>- member - Currently</u>
<u>Blacks in Energy</u>	<u>- member - Currently</u>

3. List any public offices you have been elected or appointed to, along with the dates of service.

Office Held	Dates
<u>NONE</u>	<u>Senate Governmental Organization Attachment 1 2/20/96</u>

4. List any positions held with a foreign, federal or local government entity along with the dates of service.

Position	Government Entity	Dates
N/A		

5. List any lobbying activities you have been involved in during the past five years. This includes activities as a registered lobbyist or lobbying activities for which you were compensated.

Group	Compensation (yes/no)	Dates
N/A		

6. List experience or interests which qualify you for the position to which you have been appointed. I have both business and an educational background in Human Resources

7. Summarize business and professional experience. I have over 15 years of experience in Human Resources ie Recruiting, Staffing, Training, EEO and Benefits.

8. List any service in the United States military. Include dates of service, branch, date and type of discharge.

Branch	Discharge	Dates
N/A		

9. Provide details of any arrest, charge or questioning by a federal, state or other law enforcement authority for violation of any federal, state, county or municipal law, regulation or ordinance (excluding traffic violations for which a fine of \$100 or less was imposed).

None

10. List and provide details of any interests that may present a conflict of interest for this position.

I, Carol A. Earls Franklin, declare that this questionnaire is true, correct and complete to the best of my knowledge.

Carol A. Earls-Franklin  
Signature

12-28-95  
Date



KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT

STATEMENT OF SUBSTANTIAL INTERESTS FOR INDIVIDUALS WHOSE

APPOINTMENT TO STATE OFFICE IS SUBJECT TO SENATE CONFIRMATION

INSTRUCTIONS. This statement (pages 1 through 4) must be completed by each person whose appointment to a state position is subject to Senate confirmation (K.S.A. 46-247 and 46-248). Failure to complete and return this statement may result in a fine of \$10 per day for each day it remains unfiled. Also, any individual who intentionally fails to file as required by law, or intentionally files a false statement, is subject to prosecution for a class B misdemeanor.

Please read the "Guide" and "Definition" section provided with this form for additional assistance in completing sections "C" through "G". If you have questions or wish assistance, please contact the Commission office at 109 West 9th, Topeka, KS or call 913-296-4219.

A. IDENTIFICATION:

PLEASE TYPE OR PRINT

EARLS - FRANKLIN CAROL A

Last Name

First Name

MI

Judge Benjamin Franklin

Spouse's Name - Deceased April, 1993

4206 QUAIL POINTE TERR

Number & Street Name; Apartment Number, Rural Route, or P.O. Box Number

LAWRENCE KS 66047

City, State, Zip Code

913\*\*841\*\*9629

Home Phone Number

913\*\*575\*\*6511

Business Phone Number

B. APPOINTED POSITION SUBJECT TO SENATE CONFIRMATION:

Human Rights Commission

List Name of Agency, Commission or Board

Commissioner

Position

\* The last four digits of your social security number will aid in identifying you from others with the same name on the computer list. This information is optional.

\* 6238

C. **OWNERSHIP INTERESTS:** List any corporation, partnership, proprietorship, trust, joint venture and every other business interest, including land used for income in, which either you or your spouse has owned within the preceding 12 months a legal or equitable interest exceeding \$5,000 or 5%, whichever is less. If you or your spouse own more than 5% of a business, you must disclose the percentage held. Please insert additional page if necessary to complete this section.  
 If you have nothing to report in Section "C", check here \_\_\_\_.

BUSINESS NAME AND ADDRESS	TYPE OF BUSINESS	DESCRIPTION OF INTERESTS HELD	HELD BY WHOM	PERCENT OF OWNERSHIP INTERESTS
1.			<input type="checkbox"/> You <input type="checkbox"/> Spouse <input type="checkbox"/> Jointly	
2.			<input type="checkbox"/> You <input type="checkbox"/> Spouse <input type="checkbox"/> Jointly	
3.			<input type="checkbox"/> You <input type="checkbox"/> Spouse <input type="checkbox"/> Jointly	
4.			<input type="checkbox"/> You <input type="checkbox"/> Spouse <input type="checkbox"/> Jointly	
5.			<input type="checkbox"/> You <input type="checkbox"/> Spouse <input type="checkbox"/> Jointly	
6.			<input type="checkbox"/> You <input type="checkbox"/> Spouse <input type="checkbox"/> Jointly	
7.			<input type="checkbox"/> You <input type="checkbox"/> Spouse <input type="checkbox"/> Jointly	

D. **GIFTS OR HONORARIA:** List any person or business from whom you or your spouse either individually or collectively, have received gifts or honoraria having an aggregate value of \$500 or more in the preceding 12 months.  
 If you have nothing to report in Section "D", check here \_\_\_\_.

NAME OF PERSON OR BUSINESS FROM WHOM GIFT RECEIVED	ADDRESS	RECEIVED BY:
1.		
2.		
3.		1-4

**E. RECEIPT OF COMPENSATION:** List all places of employment in the last calendar year, and any other businesses from which you or your spouse received \$2,000 or more in compensation (salary, thing of value, or economic benefit conferred on in return for services rendered, or to be rendered), which was reportable as taxable income on your federal income tax returns.

1. YOUR PLACE(S) OF EMPLOYMENT OR OTHER BUSINESS IN THE PRECEDING CALENDAR YEAR. IF SAME AS SECTION "B", CHECK HERE \_\_\_\_.  
 If you have nothing to report in Section "E"1, check here \_\_\_\_.

	NAME OF BUSINESS	ADDRESS	TYPE OF BUSINESS
1.	Western Resources Inc	818 Kansas Av. Topeka	Energy
2.			

2. SPOUSE'S PLACE(S) OF EMPLOYMENT OR OTHER BUSINESS IN THE PRECEDING CALENDAR YEAR.  
 If you have nothing to report in Section "E"2, check here \_\_\_\_.

	NAME OF BUSINESS	ADDRESS	TYPE OF BUSINESS
1.	<del>NA</del>		
2.	<del>NA</del>		

**F. OFFICER OR DIRECTOR OF AN ORGANIZATION OR BUSINESS:** List any organization or business in which you or your spouse hold a position of officer, director, associate, partner or proprietor at the time of filing, irrespective of the amount of compensation received for holding such position. Please insert additional page if necessary to complete this section. If you have nothing to report in Section "F", check here \_\_\_\_.

	BUSINESS NAME AND ADDRESS	POSITION HELD	HELD BY WHOM
1.			
2.	<del>NA</del>		
3.	<del>NA</del>		
4.	<del>NA</del>		
5.	<del>NA</del>		

G. **RECEIPT OF FEES AND COMMISSIONS:** List each client or customer who pays fees or commissions to a business or combination of businesses from which fees or commissions you or your spouse received an aggregate of \$2,000 or more in the preceding calendar year. The phrase "client or customer" relates only to businesses or combination of businesses. In the case of a partnership, it is the partner's proportionate share of the business, and hence of the fee, which is significant, without regard to expenses of the partnership. An individual who receives a salary as opposed to portions of fees or commissions is generally not required to report under this provision. Please insert additional page if necessary to complete this section.

If you have nothing to report in Section "G", check here \_\_\_\_.

	NAME OF CLIENT / CUSTOMER	ADDRESS	RECEIVED BY
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			

I. **DECLARATION:**

I, Carol A. Earls-Franklin, declare that this statement of substantial interests (including any accompanying pages and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of all of my substantial interests and other matters required by law. I understand that the intentional failure to file this statement as required by law or intentionally filing a false statement is a class B misdemeanor.

12-28-95  
Date

Carol A. Earls-Franklin  
Signature of Person Making Statement

NUMBER OF ADDITIONAL PAGES \_\_\_\_.

1-6

Return your completed statement to the Secretary of State, State House, Topeka, Kansas 66612.



employment and public accommodation discrimination, "disability" does not include an individual who is currently engaging in the illegal use of drugs where possession or distribution of such drugs is unlawful under the controlled substance act (21 U.S.C. 812), when the covered entity acts on the basis of such use.

(k) "Reasonable accommodation" means:

- (1) Making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and
- (2) job restructuring; part-time or modified work schedules; reassignment to a vacant position; acquisition or modification of equipment or devices; appropriate adjustment or modifications of examinations, training materials or policies; provision of qualified readers or interpreters; and other similar accommodations for individuals with disabilities.

(l) "Regarded as having such an impairment" means the absence of a physical or mental impairment but regarding or treating an individual as though such an impairment exists.

**History:** L. 1953, ch. 249, § 2; L. 1961, ch. 248, § 2; L. 1963, ch. 279, § 2; L. 1965, ch. 323, § 2; L. 1970, ch. 192, § 1; L. 1972, ch. 194, § 2; L. 1974, ch. 209, § 2; L. 1975, ch. 264, § 1; L. 1991, ch. 147, § 2; L. 1992, ch. 91, § 1; April 23.

**Revisor's Note:**

Section was amended twice in 1991 session, see also 44-1002a.

**Law Review and Bar Journal References:**

- Discrimination against Indians, Jerry L. Bean, 20 K.L.R. 468, 476, 479 (1972).
- Private employer's denial of disability benefits for pregnancy leave, 16 W.L.J. 745, 753 (1977).
- "Administrative Law: Judicial Review of No Probable Cause Determinations," Jan E. Montgomery, 18 W.L.J. 335, 341 (1979).
- "Survey of Kansas Law: Consumer Law," John C. Maloney, 27 K.L.R. 197, 212 (1979).
- "Does Membership Have Its Privileges? The Limits of Permissible Discrimination in Private Clubs," Diane S. Worth and Nancy M. Landis, 60 J.K.B.A. No. 5, 27, 35 (1991).
- "Employee Drug Testing," Douglas L. Stanley, 61 J.K.B.A. No. 1, 19, 25 (1992).

**Attorney General's Opinions:**

Unlawful discriminatory practices; application to Rotary clubs. 87-96.

**CASE ANNOTATIONS**

- 1. Application of act to public schools; school board may not discriminate in employing teachers but is not required to transfer teachers to achieve integration of faculty. *Londerholm v. Unified School District*, 199 K. 312, 317, 320, 330, 332, 430 P.2d 188.
- 2. Subsections (h) and (i) cited; "place of public accommodation" contemplates such mercantile establishments as

shops and stores as well as those enumerated. *Kansas Commission on Civil Rights v. Sears, Roebuck & Co.*, 216 K. 306, 313, 532 P.2d 1263.

3. Referred to in holding act did not cover functions of police department in making arrests. *Kansas Commission on Civil Rights v. Howard*, 218 K. 248, 251, 253, 255, 256, 544 P.2d 791.

4. Parochial school held not an "employer" under Kansas acts against discrimination. *Van Scoyk v. St. Mary's Assumption Parochial School*, 224 K. 304, 307, 580 P.2d 1315.

5. Subpoena power of commission cannot be unreasonable or oppressive. *Cessna Aircraft Co. v. Kansas Comm'n on Civil Rights*, 229 K. 15, 17, 622 P.2d 124.

6. Applicant had job-related physical condition thus not "physically handicapped" hereunder. *U.S.D. No. 259 v. Kansas Comm'n on Civil Rights*, 7 K.A.2d 319, 321, 640 P.2d 1291 (1982).

7. Myopia corrected to 20/20 vision not substantial disability; no violation in failing to hire as police officer. *Padilla v. City of Topeka*, 238 K. 218, 228, 708 P.2d 543 (1985).

8. Cited; lack of jurisdiction by KCCR to investigate complaints of discrimination in public schools examined. *Kansas comm'n on Civil Rights v. U.S.D. No. 501*, 243 K. 137, 138, 755 P.2d 539 (1988).

9. Plaintiff must satisfy threshold burden of having "physical handicap" before asserting discrimination claim based on physical handicap. *Andrews v. Jones Truck Lines*, 741 F.Supp. 867, 871 (1990).

10. Sectarian corporation not included in definition of "employer"; exempt from act. *Zion Lutheran Church v. Kansas Comm'n on Civil Rights*, 16 K.A.2d 237, 241, 242, 821 P.2d 334 (1991).

**44-1002a.**

**History:** L. 1953, ch. 249, § 2; L. 1961, ch. 248, § 2; L. 1963, ch. 279, § 2; L. 1965, ch. 323, § 2; L. 1970, ch. 192, § 1; L. 1972, ch. 194, § 2; L. 1974, ch. 209, § 2; L. 1975, ch. 264, § 1; L. 1991, ch. 148, § 2; Repealed, L. 1992, ch. 91, § 4; April 23.

**44-1003.** Kansas human rights commission; creation; organization; staff. (a) There is hereby created the Kansas human rights commission. The commission shall consist of seven members, two of whom shall be representative of industry, two of whom shall be representative of labor, one of whom shall be a person authorized to practice law in this state, one of whom shall be a representative of the real estate industry, and one of whom shall be appointed at large, to be known as commissioners. Members of the commission shall be appointed by the governor, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. One member shall be designated by the governor as chairperson and shall preside at all meetings of the commission and perform all the duties and functions of chairperson.

(b) The commission may designate one member to act as chairperson during the ab-

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sence or incapacity of the chairperson, and, when so acting, the member designated shall have and perform all the duties and functions of the chairperson of the commission.

(c) The term of office of each member of the commission shall be four years and until a successor is qualified. Any member chosen to fill a vacancy occurring other than by expiration of term shall be appointed for the unexpired term of the member's predecessor.

(d) A majority of the current members of the commission shall constitute a quorum for the purpose of conducting the business of the commission, except as otherwise provided in this section. Vacancies on the commission shall not impair the right of the remaining members to exercise all the powers of the commission.

(e) Members of the Kansas human rights commission attending meetings of the commission, or attending a subcommittee meeting thereof authorized by the commission, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto.

(f) The commission shall employ a full-time executive director who shall be in the unclassified service under the Kansas civil service act and who shall receive an annual salary fixed by the commission, with the approval of the governor. The commission shall employ such professional staff and full or part-time legal, stenographic and clerical assistants as necessary to carry out the provisions of this act and shall fix the amount of their compensation. The commission shall also employ at least one but not more than three full-time hearing examiners to conduct hearings. In addition, the commission may employ hearing examiners pro tem when necessitated by the incapacity or disqualification of the full-time hearing examiners. Such hearing examiners shall be admitted to practice law before the supreme court of Kansas. The appointment and compensation of legal counsel, except those members of the legal staff serving as hearing examiners, shall be approved by the attorney general.

(g) On July 1, 1991, the commission on civil rights shall become the Kansas human rights commission. The Kansas human rights commission shall be a continuation of the commission on civil rights and members and employees of the commission on civil rights shall continue as members and employees of the Kansas human rights commission. All rules and regulations and orders of the commission on civil rights shall be deemed rules and regu-

lations and orders of the Kansas human rights commission. All properties, moneys, appropriations, rights and authorities vested in the commission on civil rights shall be vested in the Kansas human rights commission. Whenever the commission on civil rights, or words of like effect, is referred to or designated by any statute, contract or other document, such reference or designation shall be deemed to apply to the Kansas human rights commission.

**History:** L. 1953, ch. 249, § 3; L. 1961, ch. 248, § 3; L. 1965, ch. 323, § 3; L. 1967, ch. 284, § 1; L. 1970, ch. 192, § 8; L. 1972, ch. 194, § 3; L. 1974, ch. 348, § 18; L. 1975, ch. 264, § 2; L. 1978, ch. 198, § 1; L. 1978, ch. 308, § 49; L. 1982, ch. 347, § 20; L. 1991, ch. 148, § 3; L. 1992, ch. 116, § 28; July 1.

**Research and Practice Aids:**  
Civil Rights ⇨ 442.

**Law Review and Bar Journal References:**

Cited in comment on filing complaints with HUD under federal Fair Housing Act, 26 K.L.R. 255, 267 (1978).

**CASE ANNOTATIONS**

1. Cited; separation of powers doctrine limits scope of review of administrative determinations. *Jenkins v. Newman Memorial County Hospital*, 212 K. 92, 97, 510 P.2d 132; disapproved. *Stephens v. Unified School District*, 218 K. 220, 546 P.2d 197.

2. Applied; judgment and injunction by district court against commission set aside; administrative remedies not exhausted. *Jarvis v. Kansas Commission on Civil Rights*, 215 K. 902, 903, 528 P.2d 1232.

3. Executive director authorized to sign subpoenas issued by commission. *Kansas Commission on Civil Rights v. Carlton*, 216 K. 735, 738, 533 P.2d 1335.

**44-1004. Powers and duties of commission.** The commission shall have the following functions, powers and duties:

(1) To establish and maintain its principal office in the city of Topeka, and such other offices elsewhere within the state as it may deem necessary.

(2) To meet and function at any place within the state.

(3) To adopt, promulgate, amend and rescind suitable rules and regulations to carry out the provisions of this act, and the policies and practices of the commission in connection therewith.

(4) To receive, initiate, investigate and pass upon complaints alleging discrimination in employment, public accommodations and housing because of race, religion, color, sex, disability, national origin or ancestry and complaints alleging discrimination in housing because of familial status.

(5) To subpoena appearance and require examination of records, evidence or possible sources to examine, record and take and record the depositions of such persons. The subpoena shall be served on such persons, and may be served on a respondent to the same limitation of the subpoena or interdict served in aid of a court. The commission may require reasonable times to such access by applicant jurisdiction provision first complies with 15 of the Kansas bill amendment to the relating to unreasonable. The commission may take depositions to the same limitations position was taken in district court. In person to comply rogatory or search or to testify to any person may be law court of any county the commission, or with such subpoena testify. Failure to be punished by person shall be penalty or forfeiture transaction, matter such person testified that such person exempt from perjury committed herein natural persons.

(6) To act in interest in order to act, by including agreement as could under this act.

(7) To apply county where the acts business for tion agreement performance of s

**TESTIMONY BY CAROL EARLS-FRANKLIN**

**FOR APPOINTMENT TO**

**KANSAS HUMAN RIGHTS COMMISSION**

**Alvin Ramirez, Chairman**

**February 20, 1996**

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**Mr. Chairman and honorable members of the Senate Confirmation Committee, I am Carol Earls-Franklin. I feel that it is an privilege in just appearing before this distinguish committee today and to seek your support for my appointment to the State Human Rights Commission. I consider it a distinct honor to have been nominated by Governor Graves to serve the state of Kansas in this manner.**

**I know that you have copies of my background: however I can fill-in the blanks and let you get to know me better.**

**I am a native of New Orleans with spending my youth in Memphis, Tenn and returning to New Orleans for college at Dillard University (a small private liberal arts school ). I have travel extensively, worked and lived in a number of cities before moving from Mobile, Al. to Kansas City, Ks three and 1/2 years ago to marry. I am now a widow having been married to Benjamin Franklin, Chief Federal Bankruptcy Judge for Kansas. I have no children and now live in Lawrence and commuting to Topeka each day. I am employed by Western Resources and manage the employment and EEO activities for Western, KPL, KGE, and Westsar Business Services. We have offices located throughout the state of Kansas and parts of Oklahoma.**

**I now have over 20 years of experience in the Human Resources field. I have been associated with high tech industry, retail, manufacturing and now utilities and energy services. I have worked in the Human Resources area with white collar, blue collar and no-collar. It has been required in the positions that I have had, to show mature judgment and to be an independent thinker. I have been a leader, follower and part of the team and believe that all these roles have helped provide me an insight that will enable me to work with the other commissioners and staff effectively. I am trained and experienced to be non-judgmental and to view situations with an open mind. I have a reputation for being fair and looking at situations from all side before making a decision that will impact on others, and work very hard to remain this way.**

**I have worked with various civic, community social, and educational groups seeking to do good in the communities which I have lived since graduation from college. This is and has been a strong interest to work on a committee such as the Human Rights Commission. I feel that I have proven to be a good, conscientious and energetic worker in any situation which I have pursued, this I pledge to continue if I am confirmed. I will listen to the discussion of all parties, apply careful, reasoned analysis and take positions which are fair and impartial. I believe in complying with the letter and spirit of the law.**

*Senate Governmental Organization  
Attachment 2  
2/20/96*

# CAROL EARLS-FRANKLIN

November, 1992 through Present: WESTERN RESOURCES, Electric and Gas Utilities  
818 Kansas Ave, Topeka, KS (913) 575-6511

## Manager-Employment/EEO, Topeka, KS

Develops, implements and monitor corporate and divisions Equal Employment and Affirmative Action programs. Directs overall employment, recruiting and relocation functions. Advises and counsels all levels of management and employees on EEO and Employment issues including FMLA and ADA. Position has supervisory, budgeting and planning responsibilities. Chairs Western Resources Diversity Committee.

## Manager-Human Resources Gas Service Division, Kansas City, MO

Responsible for providing assistance and support to the Gas Service Division as it relates to Human Resources. Directly responsible for managing the Kansas City office, which includes employment, benefits assistance, EEO/AA assistance and compensation. Representative for the Company in community event and assist with corporate functions. Develops and recommends policy changes and acts as a liaison between the division and corporate office in Topeka. A member of the Gas Service Executive Management Group.

## PRIOR EMPLOYMENT

June, 1980 through November, 1992: SCOTT PAPER COMPANY, Mobile, Alabama  
and Philadelphia, Pennsylvania

- . Employee Relations Manager
- . Benefits Administrator
- . Staffing Manager
- . Assistant Technical Employment Manager

November, 1979 through June, 1980: BOOZ-ALLEN APPLIED RESEARCH, Bethesda, Maryland  
Division of Booz, Allen & Hamilton

- . Staff Selection Specialist

August, 1977 through November, 1979: THE MEAD CORPORATION, Dayton, Ohio

- . Labor Relations Representative
- . Administrator, Corporate Recruitment and Special Projects

## EDUCATION:

Dillard University, New Orleans, Louisiana - B.A.; Spring Hill College, Mobile, Alabama - MBA Candidate (2 classes to complete); Stone and Webster Utility Management Development Program, New York City 1995.

## OUTSIDE ACTIVITIES:

Governor's Childhood Hunger Task Force  
Kansas Friends of Alvin Ailey  
American Gas Assoc. Employment Committee  
Delegate - Mission to South Africa on Sustainable Energy and Empowerment, Dept. of Energy Aug. 1995

Junior League  
Blacks In Energy  
Edison Electric Institute Diversity/AA Committee

The Links, Inc.

SENATE CONFIRMATION QUESTIONNAIRE

Office of Governor Bill Graves

Please complete and return this form to the Governor's Appointments Office. Attach additional sheets if necessary.

Name: Onofre E. Astorga
Home Address: 1405 Ave C
City, State, Zip: Dodge City KS, 67801
Business Address: 2000 E. Trail
City, State, Zip: Dodge City KS, 67801
Home Phone: 316-225-1745 Business Phone: 316-227-7135 ex. 209
Date of Birth: 10-19-61 Place of Birth: Moriarty N.M.
Party Affiliation: Rep. KBI Check: NA In Process Complete
Appointed as: Member, Kansas Human Rights Commission
Appointment Date: 2/9/96 Expiration Date: 1/15/99
Term Length: 4 years Statutory Authority: K.S.A. 44-1003
Salary: Predecessor:
Statutory Requirements: See attached

BACKGROUND

1. List high school, college, or other education institution attended along with the date attended and degree conferred.

Table with 3 columns: Education Institution, Dates, Degree. Entry: Moriarty High, 76-79, High School Dip.

2. List memberships in business, trade and professional organizations for the past 10 years.

Table with 2 columns: Organization, Dates. Entries: United way of Liberal (92-93), United way of Dodge City (94-95), Board Member Both Locations.

3. List any public offices you have been elected or appointed to, along with the dates of service.

Table with 2 columns: Office Held, Dates. Entry: N/A, Senate Governmental Organization Attachment 3 2/20/96

4. List any positions held with a foreign, federal or local government entity along with the dates of service.

Position	Government Entity	Dates
N/A		

5. List any lobbying activities you have been involved in during the past five years. This includes activities as a registered lobbyist or lobbying activities for which you were compensated.

Group	Compensation (yes/no)	Dates
N/A		

6. List experience or interests which qualify you for the position to which you have been appointed. As a H.R. Manager I am constantly dealing with KHRG + EEOC.

7. Summarize business and professional experience. \_\_\_\_\_

8. List any service in the United States military. Include dates of service, branch, date and type of discharge.

Branch	Discharge	Dates
N/A		

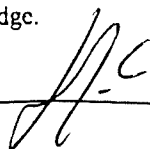
9. Provide details of any arrest, charge or questioning by a federal, state or other law enforcement authority for violation of any federal, state, county or municipal law, regulation or ordinance (excluding traffic violations for which a fine of \$100 or less was imposed).

N/A

10. List and provide details of any interests that may present a conflict of interest for this position. N/A.

I, Onofre E. Astorger, declare that this questionnaire is true, correct and complete to the best of my knowledge.

Signature



Date

1-22-96 3-2



C. **OWNERSHIP INTERESTS:** List any corporation, partnership, proprietorship, trust, joint venture and every other business interest, including land used for income in, which either you or your spouse has owned within the preceding 12 months a legal or equitable interest exceeding \$5,000 or 5%, whichever is less. If you or your spouse own more than 5% of a business, you must disclose the percentage held. Please insert additional page if necessary to complete this section.

If you have nothing to report in Section "C", check here .

BUSINESS NAME AND ADDRESS	TYPE OF BUSINESS	DESCRIPTION OF INTERESTS HELD	HELD BY WHOM	PERCENT OF OWNERSHIP INTERESTS
1.			___ ___ You ___ ___ Spouse ___ ___ Jointly.	
2.			___ ___ You ___ ___ Spouse ___ ___ Jointly	
3.			___ ___ You ___ ___ Spouse ___ ___ Jointly	
4.			___ ___ You ___ ___ Spouse ___ ___ Jointly	
5.			___ ___ You ___ ___ Spouse ___ ___ Jointly	
6.			___ ___ You ___ ___ Spouse ___ ___ Jointly	
			___ ___ You ___ ___ Spouse ___ ___ Jointly	

D. **GIFTS OR HONORARIA:** List any person or business from whom you or your spouse either individually or collectively, have received gifts or honoraria having an aggregate value of \$500 or more in the preceding 12 months.

If you have nothing to report in Section "D", check here .

PERSON OR BUSINESS FROM WHOM GIFT RECEIVED	ADDRESS	RECEIVED BY:
1.		3-4
2.		
3.		



E. **RECEIPT OF COMPENSATION:** List all places of employment in the last calendar year, and any other businesses from which you or your spouse received \$2,000 or more in compensation (salary, thing of value, or economic benefit conferred on in return for services rendered, or to be rendered), which was reportable as taxable income on your federal income tax returns.

1. YOUR PLACE(S) OF EMPLOYMENT OR OTHER BUSINESS IN THE PRECEDING CALENDAR YEAR. IF SAME AS SECTION "B", CHECK HERE \_\_\_\_.  
If you have nothing to report in Section "E"1, check here \_\_\_\_.

NAME OF BUSINESS	ADDRESS	TYPE OF BUSINESS
1. National Beef Packing CO.L.P.	2000 E Trail D.C. ks 6881	Packing Company
2. D		

2. SPOUSE'S PLACE(S) OF EMPLOYMENT OR OTHER BUSINESS IN THE PRECEDING CALENDAR YEAR.  
If you have nothing to report in Section "E"2, check here \_\_\_\_.

NAME OF BUSINESS	ADDRESS	TYPE OF BUSINESS
1. Arrowhead West Inc.	1100 E Wyatt Earp Blvd	Agency for people with developmental Disabilities
2.		

F. **OFFICER OR DIRECTOR OF AN ORGANIZATION OR BUSINESS:** List any organization or business in which you or your spouse hold a position of officer, director, associate, partner or proprietor at the time of filing, irrespective of the amount of compensation received for holding such position. Please insert additional page if necessary to complete this section. If you have nothing to report in Section "F", check here .

BUSINESS NAME AND ADDRESS	POSITION HELD	HELD BY WHOM
1.		
2.		
3.		
4.		3-5
5.		

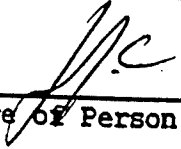
G. **RECEIPT OF FEES AND COMMISSIONS:** List each client or customer who pays fees or commissions to a business or combination of businesses from which fees or commissions you or your spouse received an aggregate of \$2,000 or more in the preceding calendar year. The phrase "client or customer" relates only to businesses or combination of businesses. In the case of a partnership, it is the partner's proportionate share of the business, and hence of the fee, which is significant, without regard to expenses of the partnership. An individual who receives a salary as opposed to portions of fees or commissions is generally not required to report under this provision. Please insert additional page if necessary to complete this section.  
 If you have nothing to report in Section "G", check here .

	NAME OF CLIENT / CUSTOMER	ADDRESS	RECEIVED BY
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			

H. **DECLARATION:**

I, Onofre E. Astorga, declare that this statement of substantial interests (including any accompanying pages and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of all of my substantial interests and other matters required by law. I understand that the intentional failure to file this statement as required by law or intentionally filing a false statement is a class B misdemeanor.

1-22-90  
Date

  
Signature of Person Making Statement

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NUMBER OF ADDITIONAL PAGES 0.

Return your completed statement to the Secretary of State, State House, Topeka, Kansas 66612.

employment and public accommodation discrimination, "disability" does not include an individual who is currently engaging in the illegal use of drugs where possession or distribution of such drugs is unlawful under the controlled substance act (21 U.S.C. 812), when the covered entity acts on the basis of such use.

(k) "Reasonable accommodation" means:

- (1) Making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and
- (2) job restructuring; part-time or modified work schedules; reassignment to a vacant position; acquisition or modification of equipment or devices; appropriate adjustment or modifications of examinations, training materials or policies; provision of qualified readers or interpreters; and other similar accommodations for individuals with disabilities.

(l) "Regarded as having such an impairment" means the absence of a physical or mental impairment but regarding or treating an individual as though such an impairment exists.

History: L. 1953, ch. 249, § 2; L. 1961, ch. 248, § 2; L. 1963, ch. 279, § 2; L. 1965, ch. 323, § 2; L. 1970, ch. 192, § 1; L. 1972, ch. 194, § 2; L. 1974, ch. 209, § 2; L. 1975, ch. 264, § 1; L. 1991, ch. 147, § 2; L. 1992, ch. 91, § 1; April 23.

Revisor's Note:

Section was amended twice in 1991 session, see also 44-1002a.

Law Review and Bar Journal References:

- Discrimination against Indians, Jerry L. Bean, 20 K.L.R. 468, 476, 479 (1972).
- Private employer's denial of disability benefits for pregnancy leave, 16 W.L.J. 745, 753 (1977).
- "Administrative Law: Judicial Review of No Probable Cause Determinations," Jan E. Montgomery, 18 W.L.J. 335, 341 (1979).
- "Survey of Kansas Law: Consumer Law," John C. Maloney, 27 K.L.R. 197, 212 (1979).
- "Does Membership Have Its Privileges? The Limits of Permissible Discrimination in Private Clubs," Diane S. Worth and Nancy M. Landis, 60 J.K.B.A. No. 5, 27, 35 (1991).
- "Employee Drug Testing," Douglas L. Stanley, 61 J.K.B.A. No. 1, 19, 25 (1992).

Attorney General's Opinions:

Unlawful discriminatory practices; application to Rotary clubs. 87-96.

CASE ANNOTATIONS

1. Application of act to public schools; school board may not discriminate in employing teachers but is not required to transfer teachers to achieve integration of faculty. *Londerholm v. Unified School District*, 199 K. 312, 317, 320, 330, 332, 430 P.2d 188.
2. Subsections (h) and (i) cited; "place of public accommodation" contemplates such mercantile establishments as

shops and stores as well as those enumerated. *Kansas Commission on Civil Rights v. Sears, Roebuck & Co.*, 216 K. 306, 313, 532 P.2d 1263.

3. Referred to in holding act did not cover functions of police department in making arrests. *Kansas Commission on Civil Rights v. Howard*, 218 K. 248, 251, 253, 255, 256, 544 P.2d 791.

4. Parochial school held not an "employer" under Kansas acts against discrimination. *Van Scoyk v. St. Mary's Assumption Parochial School*, 224 K. 304, 307, 580 P.2d 1315.

5. Subpoena power of commission cannot be unreasonable or oppressive. *Cessna Aircraft Co. v. Kansas Comm'n on Civil Rights*, 229 K. 15, 17, 622 P.2d 124.

6. Applicant had job-related physical condition thus not "physically handicapped" hereunder. U.S.D. No. 259 v. *Kansas Comm'n on Civil Rights*, 7 K.A.2d 319, 321, 640 P.2d 1291 (1982).

7. Myopia corrected to 20/20 vision not substantial disability; no violation in failing to hire as police officer. *Padilla v. City of Topeka*, 238 K. 218, 228, 708 P.2d 543 (1985).

8. Cited; lack of jurisdiction by KCCR to investigate complaints of discrimination in public schools examined. *Kansas comm'n on Civil Rights v. U.S.D. No. 501*, 243 K. 137, 138, 755 P.2d 539 (1988).

9. Plaintiff must satisfy threshold burden of having "physical handicap" before asserting discrimination claim based on physical handicap. *Andrews v. Jones Truck Lines*, 741 F.Supp. 867, 871 (1990).

10. Sectarian corporation not included in definition of "employer"; exempt from act. *Zion Lutheran Church v. Kansas Comm'n on Civil Rights*, 16 K.A.2d 237, 241, 242, 821 P.2d 334 (1991).

44-1002a.

History: L. 1953, ch. 249, § 2; L. 1961, ch. 248, § 2; L. 1963, ch. 279, § 2; L. 1965, ch. 323, § 2; L. 1970, ch. 192, § 1; L. 1972, ch. 194, § 2; L. 1974, ch. 209, § 2; L. 1975, ch. 264, § 1; L. 1991, ch. 148, § 2; Repealed, L. 1992, ch. 91, § 4; April 23.

44-1003. Kansas human rights commission; creation; organization; staff. (a) There is hereby created the Kansas human rights commission. The commission shall consist of seven members, two of whom shall be representative of industry, two of whom shall be representative of labor, one of whom shall be a person authorized to practice law in this state, one of whom shall be a representative of the real estate industry, and one of whom shall be appointed at large, to be known as commissioners. Members of the commission shall be appointed by the governor, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. One member shall be designated by the governor as chairperson and shall preside at all meetings of the commission and perform all the duties and functions of chairperson.

(b) The commission may designate one member to act as chairperson during the ab-

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sence or incapacity of the chairperson, and, when so acting, the member designated shall have and perform all the duties and functions of the chairperson of the commission.

(c) The term of office of each member of the commission shall be four years and until a successor is qualified. Any member chosen to fill a vacancy occurring other than by expiration of term shall be appointed for the unexpired term of the member's predecessor.

(d) A majority of the current members of the commission shall constitute a quorum for the purpose of conducting the business of the commission, except as otherwise provided in this section. Vacancies on the commission shall not impair the right of the remaining members to exercise all the powers of the commission.

(e) Members of the Kansas human rights commission attending meetings of the commission, or attending a subcommittee meeting thereof authorized by the commission, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto.

(f) The commission shall employ a full-time executive director who shall be in the unclassified service under the Kansas civil service act and who shall receive an annual salary fixed by the commission, with the approval of the governor. The commission shall employ such professional staff and full or part-time legal, stenographic and clerical assistants as necessary to carry out the provisions of this act and shall fix the amount of their compensation. The commission shall also employ at least one but not more than three full-time hearing examiners to conduct hearings. In addition, the commission may employ hearing examiners pro tem when necessitated by the incapacity or disqualification of the full-time hearing examiners. Such hearing examiners shall be admitted to practice law before the supreme court of Kansas. The appointment and compensation of legal counsel, except those members of the legal staff serving as hearing examiners, shall be approved by the attorney general.

(g) On July 1, 1991, the commission on civil rights shall become the Kansas human rights commission. The Kansas human rights commission shall be a continuation of the commission on civil rights and members and employees of the commission on civil rights shall continue as members and employees of the Kansas human rights commission. All rules and regulations and orders of the commission on civil rights shall be deemed rules and regu-

lations and orders of the Kansas human rights commission. All properties, moneys, appropriations, rights and authorities vested in the commission on civil rights shall be vested in the Kansas human rights commission. Whenever the commission on civil rights, or words of like effect, is referred to or designated by any statute, contract or other document, such reference or designation shall be deemed to apply to the Kansas human rights commission.

**History:** L. 1953, ch. 249, § 3; L. 1961, ch. 248, § 3; L. 1965, ch. 323, § 3; L. 1967, ch. 284, § 1; L. 1970, ch. 192, § 8; L. 1972, ch. 194, § 3; L. 1974, ch. 348, § 18; L. 1975, ch. 264, § 2; L. 1978, ch. 198, § 1; L. 1978, ch. 308, § 49; L. 1982, ch. 347, § 20; L. 1991, ch. 148, § 3; L. 1992, ch. 116, § 28; July 1.

**Research and Practice Aids:**  
Civil Rights ⇐ 442.

**Law Review and Bar Journal References:**

Cited in comment on filing complaints with HUD under federal Fair Housing Act, 26 K.L.R. 255, 267 (1978).

#### CASE ANNOTATIONS

1. Cited; separation of powers doctrine limits scope of review of administrative determinations. *Jenkins v. Newman Memorial County Hospital*, 212 K. 92, 97, 510 P.2d 132; disapproved. *Stephens v. Unified School District*, 218 K. 220, 546 P.2d 197.

2. Applied; judgment and injunction by district court against commission set aside; administrative remedies not exhausted. *Jarvis v. Kansas Commission on Civil Rights*, 215 K. 902, 903, 528 P.2d 1232.

3. Executive director authorized to sign subpoenas issued by commission. *Kansas Commission on Civil Rights v. Carlton*, 216 K. 735, 738, 533 P.2d 1335.

**44-1004.** Powers and duties of commission. The commission shall have the following functions, powers and duties:

(1) To establish and maintain its principal office in the city of Topeka, and such other offices elsewhere within the state as it may deem necessary.

(2) To meet and function at any place within the state.

(3) To adopt, promulgate, amend and rescind suitable rules and regulations to carry out the provisions of this act, and the policies and practices of the commission in connection therewith.

(4) To receive, initiate, investigate and pass upon complaints alleging discrimination in employment, public accommodations and housing because of race, religion, color, sex, disability, national origin or ancestry and complaints alleging discrimination in housing because of familial status.

(5) To subpoena appearance and require examination of records, evidence or possible sources, examine, record and take and record the of such persons. The subpoenas to compel production of such material such persons, and make a respondent to the to the same limitation subpoena or interrog served in aid of a court. The commission reasonable times to such access by appropriate jurisdiction first complies with 15 of the Kansas bill amendment to the relating to unreasonable. The commission may depositions to the same limitations position was taken in district court. In person to comply rogatory or search or to testify to any person may be law court of any county the commission, or with such subpoena testify. Failure to be punished by person shall be penalty or forfeiture transaction, matter such person testified except that such person exempt from prosecution perjury committed community herein persons.

(6) To act in interest in order to crimination and se act, by including agreement as could under this act.

(7) To apply county where the acts business for tion agreement performance of s

## BIOGRAPHICAL BRIEF

My name is Onofre E. Astorga. I was born and raised in Moriarty, New Mexico. I currently reside in Dodge City, Kansas with my wife Monica and my two daughters, Brianna and Stefani. I am fluent in both Spanish and English.

I began my career with National Beef Packing Company in 1981 as a production worker at the plant in Liberal, Kansas. In 1984, I was promoted to the position of Fabrication Supervisor. I was then promoted to Assistant Personnel Director in 1989, with responsibilities for the second shift (approximately 1,200 employees).

In 1993, I was promoted to the position of Human Resource Manager of National Beef Packing Company, L.P. of Dodge City. During my tenure as Human Resource Manager, a major expansion resulted in the hiring of 600 additional employees. Currently, National Beef Packing Company, L.P., of Dodge City employs over 1,000 people and slaughters approximately 2,500 head of cattle per day.

As Human Resource Manager, current responsibilities include:

- Risk management and site security
- Design and implementation of training programs
- Compliance with all relevant laws and regulations
- On going contact with regulatory agencies, employees and the community
- Supporting the overall business objectives of National Beef Packing

I have had continuing experience with the following organizations and issues:

- USDA
- OSHA
- EEOC
- OFCCP
- INS
- KHRC
- NLRB
- Union and Non Union environments
- Labor law
- Employment law
- Workers Compensation
- Workforce training and education
- Management training and development

I have also been involved with community work in southwest Kansas. I have been a board member of the United Way in Liberal and currently hold a board member position with the United Way of Dodge City. I have also served on the board of directors of the Regional Hispanic Counsel in Liberal and also participated with Kids, Incorporated in Liberal. I am currently coaching girls intramural basketball.

*Senate Governmental Organization*

*Attachment #7*

*3/20/96* TOTAL P. 02