

MINUTES OF THE HOUSE KANSAS 2000 SELECT COMMITTEE.

The meeting was called to order by Chairperson Kenny Wilk at 1:30 p.m. on February 1, 1999 in Room 526-S of the Capitol.

All members were present except:

Committee staff present: Alan Conroy, Legislative Research Department
Gordon Self, Revisor of Statutes
Jim Wilson, Revisor of Statutes
Janet Mosser, Committee Secretary

Conferees appearing before the committee: Representative Tom Sloan
Dean Carlson, Secretary, Kansas Department of Transportation
Mike Auchard, University of Kansas Classified Senate
Ola Faucher, Director of Human Resources, University of Kansas
Tim Gardner, Kansas State Troopers Association
Paul Wilson, Executive Director, Kansas Association of Public Employees

Others attending: See attached list

Chairperson Wilk brought to the attention of the Committee the Rules for the Committee and the Rules for Conferees. Rep. Deena Horst, Vice Chairperson, and Rep. Bonnie Sharp, Ranking Minority, were consulted during the development of the rules and the rules stand confirmed (**Attachment 1**).

Chairperson Wilk then opened the hearing on **HB 2034 concerning state officers and employees, rates and procedures for overtime compensation.**

At Chairperson Wilk's request, Alan Conroy, Legislative Research Department, briefed the Committee on the Fiscal Note (**Attachment 2**). Ms. Bobbi Mariani, Assistant Director, Division of Personnel Services, Department of Administration, was recognized by Chairperson Wilk to assist Mr. Conroy in answering technical questions related to the bill.

Chairperson Wilk recognized Rep. Tom Sloan, proponent, to address the Committee (**Attachment 3**).

Dean Carlson, Secretary, Kansas Department of Transportation, proponent, was recognized by Chairperson Wilk to address the Committee (**Attachment 4**).

Mike Auchard, University of Kansas Classified Senate, proponent, was recognized by Chairperson Wilk (**Attachment 5**).

Ola Faucher, Director of Human Resources, University of Kansas, proponent, was recognized by Chairperson Wilk (**Attachment 6**).

Tim Gardner, Kansas State Troopers Association, proponent, was recognized by Chairperson Wilk (**Attachment 7**).

Paul Wilson, Executive Director, Kansas Association of Public Employees, was recognized by Chairperson Wilk. Mr. Wilson, proponent, commented that a problem exists and, while the bill may not go far enough, it is a step in the right direction.

Chairperson Wilk brought to the Committee's attention written testimony submitted by proponents David McCullough, Ted Hogan, and Tony Sieverin of Wichita State University (**Attachment 8**).

Chairperson Wilk closed the hearing on **HB 2034**.

Minutes for January 12, 13, and 19 were distributed. Rep. Lane made a motion and Rep. Gregory seconded the motion to approve the minutes. The motion carried.

Chairperson Wilk adjourned the meeting at 2:15 p.m.

The next meeting is scheduled for February 2, 1999.

COMMITTEE RULES
KANSAS 2000 SELECT COMMITTEE

1. In any case where Committee Rules do not apply, House Rules shall govern. All powers, duties and responsibilities not addressed herein are reserved to the Chair.
2. The Chair shall determine the Committee agenda, including scheduling and the order of business.
3. The Chair reserves the right to limit testimony that is cumulative in nature and may limit testimony, when necessary, to a specific number of minutes.
4. The Chair reserves the right to limit questioning of conferees by Committee members in the interest of time and in the interest of fairness to conferees and other Committee members. Committee members shall address conferees only when recognized by the Chair.
5. Committee members shall not be approached during Committee hearings or deliberations by anyone other than fellow legislative members or legislative staff.
6. No conferee shall be interrupted during presentations of their testimony, except with the permission of the Chair.
7. Questioning of a conferee shall be limited to the subject matter of the agenda item for the day, except as may otherwise be allowed by the Chair.
8. No bill or resolution shall be taken up for a Committee vote unless it is announced by the Chair.
9. Amendments to motions are in order with permission of the Committee member making the motion to be amended.
10. A substitute motion is in order, but no additional substitute motion shall be in order until the prior substitute motion is disposed of.
11. A motion requires a second to be in order.
12. A motion to table or take from the table shall be in order only when such item is on the agenda or is taken up by the Chair. The motion requires a simple majority and is, unless otherwise determined by the Chair, non-debatable.
13. There shall be no recording, audible, photographically or otherwise, of committee meetings, except by the Committee secretary, without permission of the Chair.
14. A request from any member that their own vote be recorded shall be granted.
15. Granting excused absences is reserved by the Chair.
16. The Chair reserves the right to take such action as may be necessary to prevent disruptive behavior in the committee room during the hearings and deliberations.
17. Adjournment is reserved to the Chair.

Kansas 2000 Select Committee
Meeting Date 2-1-99
Attachment 1

NOTICE TO CONFEREES
HOUSE KANSAS 2000 SELECT COMMITTEE

It is the policy of the House Kansas 2000 Select Committee to ensure and promote free and open discussion of matters coming before the Committee. Because of the important issues that are to be discussed, certain rules are necessary. Just as there are rules relating to the conduct of Committee business when matters are debated among Committee members, the following rules apply to the hearing process itself. Any questions about these rules should be directed to the Committee Chair.

By appearing before the Committee, each conferee is presumed to have read the attached rules and to have agreed to be bound by said rules.

We thank you for your understanding of, and compliance with, these rules.

RULES FOR CONFEREES APPEARING BEFORE THE
HOUSE KANSAS 2000 SELECT COMMITTEE

1. The Chair shall determine the Committee agenda, including scheduling and the order of business.
2. The Chair requests that individuals wishing to appear and provide verbal testimony before the Committee notify the Committee secretary at least 24 hours in advance of the hearing.
3. Testimony should be in written form and 30 copies made available to staff prior to testifying.
4. Conferees shall introduce themselves, identify on whose behalf they appear, identify whether they appear as an opponent, proponent or interested neutral party and shall, as briefly as possible, state the reasons for their position. If suggestions for amendment(s) are to be offered, a proposed draft of the amendment(s) should be included in the written testimony.
5. When the conferee is, or represents, the sponsor of the measure under consideration, the conferee is responsible for briefing the Committee on the specific provisions of the legislation, section by section, where necessary.
6. Conferees shall address their remarks during testimony to Committee members and staff only.
7. Where the number of hearings and/or conferees scheduled warrant time limitations, the Chair may limit testimony to a specific number of minutes. The Chair reserves the right to limit testimony that is cumulative in nature.
8. Testimony shall relate to the subject matter of the measure under consideration. Conferees testifying on unrelated subjects will cause the Chair to terminate that conferee's testimony.
9. While the taking of testimony in committee is not preceded with the formality of an oath, by appearing before the Committee every conferee hereby certifies that his or her testimony is truthful, based upon facts that are capable of verification and offered in good faith. Conferees shall bring to the Committee's attention any qualifications or corrections to their testimony.
10. The Chair reserves the right to take such action as may be necessary to prevent disruptive behavior in the committee room during hearings and deliberation.
11. The Committee reserves the right to take such action as may be necessary when a violation of the previous rule is suspected.
12. Committee members shall not be approached during Committee hearings or deliberation by anyone other than fellow legislative members or legislative staff.
13. There shall be no recording, audibly, photographically or otherwise, of Committee voting except by the Committee secretary.

STATE OF KANSAS



DIVISION OF THE BUDGET

Room 152-E

State Capitol Building

Topeka, Kansas 66612-1575

(785) 296-2436

FAX (785) 296-0231

Bill Graves
Governor

Duane A. Goossen
Director

February 1, 1999

The Honorable Kenny Wilk, Chairperson
House Kansas 2000 Select Committee
Statehouse, Room 180-W
Topeka, Kansas 66612

Dear Representative Wilk:

SUBJECT: Fiscal Note for HB 2034 by Representatives Sloan and Findley

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2034 is respectfully submitted to your committee.

HB 2034 would modify the existing calculation of overtime compensation by defining holiday hours as time worked for certain state employees. Current law requires state employees who qualify for overtime compensation to work (as opposed to being "in pay status") 40 hours in a week before being eligible for overtime. HB 2034 would affect state employees who are defined in statute as law enforcement officers, as well as certain employees in the Departments of Transportation, Corrections and Social & Rehabilitation Services. HB 2034 would also authorize the heads of state agencies and the Secretary of Administration to determine those employees eligible for the additional compensation. These employees must perform services essential to the mission of the agency or to the public safety and welfare.

HB 2034 would reverse legislation enacted five years ago that requires only hours actually worked be counted for overtime purposes. Those agencies that typically pay a great deal of overtime could see the largest cost increases with enactment of HB 2034. By changing the method of calculating overtime, the bill could potentially increase costs for numerous state agencies. At most, the bill would cost these agencies, \$615,668, including \$447,505 from the State General Fund. This impact would be in addition to amounts contained in *The FY 2000 Governor's Budget Report*. However, because many agencies make other arrangements for compensating overtime, it is likely that the agencies could absorb the additional costs. This latter assumption is made by the Division of the Budget because agencies' budgets were not

Kansas 2000 Select Committee

Meeting Date 2-1-99

Attachment 2

specifically reduced after enactment of 1994 SB 824, when the current, more stringent, overtime calculation was established.

Of the agencies affected by the bill, the Department of Transportation and the Kansas Bureau of Investigation (KBI) reported that HB 2034 would not require additional appropriations. Following is a list of the affected agencies and the associated fiscal impact amounts provided by the agencies and the Division of Personnel Services. These amounts are based on actual hours reported in FY 1998.

	<u>State General Fund</u>	<u>All Funding Sources</u>
Department of Corrections ¹	\$230,499	\$230,499
Juvenile Justice Authority ²	27,780	27,780
KDOT	--	166,298
Adjutant General	819	819
Attorney General	434	434
KBI	20,194	20,194
Fire Marshal	--	1,396
Highway Patrol	22,829	22,829
Lottery	--	112
Racing & Gaming	--	100
Department of Revenue	--	257
Schools for Deaf & Blind	852	852
Social & Rehab. Services ³	140,541	140,541
Wildlife & Parks	3,557	3,557
Total	<u>\$447,505</u>	<u>\$615,668</u>

¹Includes correctional facilities.

²Includes juvenile correctional facilities.

³Includes SRS institutions.

Sincerely,



Duane A. Goossen
Director of the Budget

cc: Pat Higgins, Administration
Bill Watts, KDOT
Walt Darling, KHP
Dick Koerth, W&P
Beth Fenske, Fire Marshal's Office

Jan Johnson, DOC
Lois Weeks, SRS
Marsha Pappan, KBI
Scott Alisoglu, JJA

TOM SLOAN
 REPRESENTATIVE, 45TH DISTRICT
 DOUGLAS COUNTY

STATE CAPITOL BUILDING
 ROOM 446-N
 TOPEKA, KANSAS 66612-1504
 (913) 296-7677
 1-800-432-3924

772 HWY 40
 LAWRENCE, KANSAS 66049-4174
 (913) 841-1526



TOPEKA

HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 MEMBER: ENVIRONMENT
 UTILITIES

Testimony on HB 2034 Before the Kansas 2000 Select Committee – February 1, 1999

Thank you Mr. Chairman, members of the Committee. HB 2034 was introduced after several attempts to resolve the underlying problems administratively were unsuccessful. The difficulty was not so much the Administration's intransigence, but the difficulty attendant with securing consensus among the more than 100 state agencies.

HB 2034 addresses two state employee issues.

1. Official Holidays as they affect employee overtime: Assume that the 4th of July holiday occurs on a Monday and employees enjoy paid leave. If an employee then works 9 or 10 hours per day Tuesday – Friday of that holiday week, he/she does not earn overtime compensation because the employee did not work more than 40 hours. The fact that the state paid the employee to stay home on the 4th of July is irrelevant under current operating practices.

HB 2034 assumes that the employee would have worked that Monday, if the 4th of July had been a "normal" day. The bill requires that the employee should, in some manner, be compensated for the extra work beyond the regular 8-hour day(s).

2. "Snow Emergency" days: On occasion, a weather emergency day is declared and employees are either sent home or told to stay home from work. Under those circumstances, employees receive compensation for the time they normally would have been on the job. However, those employees deemed "essential" and whose presence on the job site is required, do not receive any additional compensation for their presence on the job.

HB 2034 provides that such essential employees shall receive additional compensation – the form to be determined by the agency.

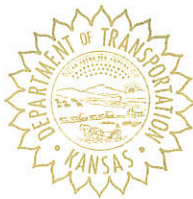
HB 2034 is an equity issue for state employees, provides agency managers the maximum flexibility in determining who are essential employees and the form additional compensation shall take (e.g., dollars, compensatory time off), and permits agency managers to recognize the contributions made by their more valuable employees.

Thank you Mr. Chairman, members of the Committee. I encourage you to listen closely to the testimony of the state employees and agency representatives who will testify on this bill; and ultimately, I encourage you to recommend HB 2034 favorable for passage.

Kansas 2000 Select Committee

Meeting Date 2-1-99

Attachment 3



**KANSAS DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY OF TRANSPORTATION**

**Docking State Office Building
915 SW Harrison Street, Rm. 730
Topeka, Kansas 66612-1568
Ph. (785) 296-3461 FAX (785) 296-1095
TTY (785) 296-3585**

E. Dean Carlson
SECRETARY OF TRANSPORTATION

Bill Graves
GOVERNOR

**TESTIMONY BEFORE THE
KANSAS 2000 SELECT COMMITTEE**

**Regarding House Bill 2034,
State officers and employees,
rates and procedures for overtime compensation
February 1, 1999**

Mr. Chairman and Committee Members:

I am Dean Carlson, Secretary of the Kansas Department of Transportation. I am here today to provide testimony in support of House Bill 2034 regarding overtime compensation. I appreciate the opportunity to provide additional information on this bill. My testimony is limited specifically to how KDOT employees will be affected by this bill and the affect it will have on the travelling public.

As written, the bill would allow for an official state holiday to be counted as time worked in determining overtime compensation. K.S.A. 75-5537 currently states, "...only hours actually worked may be considered in determining whether overtime compensation is due..."

On December 31, 1994, compensation benefits for overtime were changed by K.S.A. 75-5537. Prior to that date, all hours in pay status (whether hours worked or paid leave) were counted as time worked for determining overtime compensation. K.S.A. 75-5537 reduced the amount of overtime pay KDOT employees receive for time worked during an official state holiday workweek.

For KDOT employees, this change was harshly felt by employees who perform critical winter maintenance activities such as snow and ice removal. The bill would only affect employees subject to emergency call-out. Since December 31, 1994, KDOT has started to notice significant problems related to availability of personnel to work in winter storm operations and other emergency situations. The existing law will allow KDOT only to compensate employees at an increased rate of pay if they have actually worked 40 hours. This law has impacted morale and hindered KDOT's ability to quickly produce an adequate work force in emergency situations.

Kansas 2000 Select Committee

Meeting Date 2-1-99

Attachment 4

KDOT prides itself on the commitment of its employees. While you and I are at home spending Thanksgiving or Christmas with our families, KDOT emergency personnel may be called out to clear our highways of snow and ice to make our travel safe. This type of emergency work involves personal risk and sacrifice for the benefit of the travelling public; it is imperative to KDOT's operations that we are able to compensate them fairly.

H.B. 2034 will allow KDOT to pay overtime compensation to "state employees performing essential services..." for work performed when these employees are called out during a workweek that includes an official state holiday. This bill would cause an increase in State Highway Fund expenditures in terms of additional overtime payments. This increase, however, is not anticipated to be substantial with respect to overall salary expenditures. A reasonable estimate is difficult to determine due to the extent of winter storm or other emergency work that could be anticipated during workweeks in which official state holidays occurred. In general, the occurrences would be limited to Thanksgiving, Christmas, New Year's Day, Martin Luther King, and Veterans' Day holiday workweeks. I want to emphasize that my support is only in regard to KDOT employees subject to emergency call-out.

In summary, KDOT supports this bill. The increased salary costs that may occur as a result would be minimal and a small price to pay to ensure the safety of the traveling public.

Mike Auchard
University of Kansas
Dept. of Student Housing
Lawrence, Kansas 66045

February 1, 1999

Testimony for Kansas 2000 Select Committee

Concerning House Bill 2034

I am a GMRT II at the University of Kansas Department of Student Housing Maintenance section. What I do in my job is install and repair plaster, bricks, blocks, stone work, sheet rock, ceramic tile and concrete. I have been at KU for nearly fifteen years. My work brings me into contact with every trade that works in the maintenance section: plumbers, carpenters, electricians, air conditioning technicians, painters, etc. In addition, I have been involved in university governance for nearly ten years now. These experiences have brought me into contact with many administrative and support employees outside of the maintenance area. I served for two years as president of KU Classified Senate and am currently a chairperson of our legislative affairs committee, so I have had ample opportunity to listen to the concerns of classified employees at the University of Kansas. I can tell you in all honesty that I cannot remember a single piece of legislation that did more to upset employees and undermine morale than the passage of Senate Bill 824 of the 1994 legislative session. I am including with this testimony a petition that was circulated at KU after this bill became law and which is an eloquent expression of how upset employees were then and I assure you that they are still unhappy. In an institution as diverse and de-centralized as the University, someone still managed to get over ten percent of the affected employees to sign this petition. This petition did not come from Classified Senate but from individual employees who were upset enough to try to do something on their own. To my knowledge this is the only instance of this sort of effort that has occurred since I've been at KU..

Prior to the implementation of this bill, overtime pay was based upon time in pay status. "Pay status" included not only hours actually worked but hours of annual leave, comp time, sick leave, funeral leave and holiday leave that were used during a pay period. The changes that resulted from this bill were the exclusion of all of these types of leave from "time in pay status" for purposes of computing overtime. This had been a broader and more generous interpretation of FLSA regulations.

Kansas 2000 Select Committee

Meeting Date 2-1-99

Attachment 5

Auchard 2.

After SB 824 went into effect, overtime has been paid only on hours actually worked during a pay period. This change has resulted in less pay and lower morale for employees, and increased difficulty for departments in getting their employees to work overtime in pay periods which include a holiday or during which the employee has taken time off.

A typical example might go like this: A holiday occurs on Monday and the employee takes the day off. The employee works the other four days. On Friday night or Saturday morning a waterline breaks and the employee is needed immediately. Because of the changes brought about in 1994, the employee no longer gets overtime pay for responding to this emergency. If the employee has been with the state since before 1994, he or she is probably not very happy about this change. In fact, he or she probably feels cheated, as if someone changed the rules on them after the game had already started. They were hired, and in many cases worked for years, under the old method of computing overtime. It was a condition of employment when they were hired and in their understanding of the way things should work, something that should not have been tampered with. When the realization of the full implications of this change sunk in, employees were very unhappy.

These emergency situations, such as the one I described, happen frequently at the University of Kansas, as I'm sure they do across the state. Just last week I spoke with an air conditioning technician and his supervisor, one of whom had worked on an unscheduled emergency call-in during the Martin Luther King Day holiday week and the other during the week that included the Fourth of July. But the change caused problems other than lowered morale and smaller paychecks.

This change also affects the ability of work units to respond to emergencies, like the one described above, as well as other overtime situations. It has fostered resentment among employees and rancor among supervisors and administrators. I have attached a letter to this testimony which was written by Philip Garito, the associate director in charge of maintenance at Student Housing, to Marc Adin, who was Director of the Department of Human Resources at KU at the time. I think it amply illustrates the problems this bill created for both workers and administrators and the lengths that they have been forced to go to to try to find a creative solution to these problems. Mr. Garito states, "Workers are now screening their calls and deciding whether to respond or not. This is particularly prevalent during a week in which there is a holiday or when an employee has taken or anticipates taking leave." If you have the time, read the various scenarios he projects as possible solutions to the problem and you will get some idea of how serious a problem it is.

I also spoke with Mike Richardson, the University's director of facility operations, before coming here to testify. He stated, "The worst times are when holidays are involved. When a holiday is involved, especially between Thanksgiving and Christmas, we often have snow and water breaks and it is difficult to get people to answer their phones. I have talked to people from K-State, Emporia and Fort Hays State and they are having the same sort of problems. Part of the problem is created by technology - with answering machines and caller i.d. but we never had these sorts of problems before the law was changed."

Finally, the last document I would ask you to look at is this years Kansas Council of Classified Senates Position Paper. I know most of you have already seen this but I want you to notice that the last item on the paper is an appeal to amend this regulation. This bill has the support of all of the affected Regents System classified employees and I suspect a good many others not in the Regents System.

House Bill 2034 does not undo all of the damage that has been done. It merely restores holidays, and *only holidays*, to the status of "time in pay status" and it only does that for "essential" employees, but it a big step in the right direction and addresses what is probably the most serious part of the problem. On behalf of the classified employees at KU I urge you to give this bill your support.

Thank you for this opportunity to speak and I will be happy to answer any questions that I can.

OVERTIME COMPENSATION

February 6, 1995

To whom it may concern:

We, the undersigned, employee's of the State of Kansas at the University of Kansas, hope that the issue addressed by this letter will become of concern to all who read it so that we can gain a growing support for our cause.

There has been a lot of discontent with the recent enactment of the December 27, 1994 amendment to KAR 1-5-24, statute KSA 75-3747. Change can be good, but in this case it carries with it a very demoralizing effect on even the best of state employees. We want to express our extreme dissatisfaction with this legislation. We view it as the beginning of a reduction in our earned compensation.

As we understand it, the old method of counting holidays, vacation or sick leave as hours worked no longer applies. Therefore, if a holiday falls in the week that overtime occurs, the overtime is paid as straight time. Or, let's say you take family sick leave or funeral leave and when you return to work any overtime worked during that week is paid as straight time until the hours off are made up. Even though sickness and funerals can not be planned out within the week. Another example, a person does their civic duty on jury duty and comes back to work overtime hours as what - straight time? Does this seem fair? Let's say somebody takes a vacation day on Monday with no overtime scheduled. Then on Tuesday something comes in that requires him to work Saturday, he would only be paid straight time for the hours worked. Emergencies, weather, and late planned events do not check your weeks schedule to occur. Where is the incentive to work when proper notice has not been given? We have witnessed these scenarios. Is it fair to force a man who is willing to work outside his regular shift to accept straight time?

Even employees who think they are not affected, because they don't want overtime, may experience the discontent when co-workers remove themselves from the volunteer lists and force management to make it mandatory for personnel to work for only straight pay.

Hopefully the above situations show why this legislation is very demoralizing and has the work force upset. We hope we can count on your help to change this legislation back to its original form. Thank you for any support we can get from you to help the morale in the work force.

Total of 191 signatures. I did not copy for everyone
in order to save paper

SIGNATURE RIDER FOR OVERTIME COMPENSATION LETTER
FEBRUARY 6, 1995

Signed:

all milk
Copp David
Cufimelo Laura
Larry D. Brown
Allen R. Mitchell
Don Heim
David Atwood
Charles Deane
Leann & Hamlin
James Terry
James B. M...
Eldon D. Ferrell
Charles L. Patton Jr.
Ramon Garcia
Lynn J...
Don Reed
Dennis Berg
Joseph M. Green
Paul L. Reed
Clarence R...
Phillip Howard
Thomas J.

SIGNATURE RIDER FOR OVERTIME COMPENSATION LETTER
FEBRUARY 6, 1995

Signed:

Russell Stevens

Jose Larios

William

Jane M. Gauthier

Georgia Pearson

Carletta Leika

Sherley Unfred

Frankie A. Ebert

Mary E. Lafferty

Michelle Castlow

D.R. Lewis

Sam B. Lourey Sr.

Shirley R. Lewis

SIGNATURE RIDER FOR OVERTIME COMPENSATION LETTER
FEBRUARY 6, 1995

Signed:

James E. Paul
John Allen
Larry Deamin
Hub Horn
Pamela Wilson
John Perry

SIGNATURE RIDER FOR OVERTIME COMPENSATION LETTER
FEBRUARY 6, 1995

Signed:

William M. Tarrow

Kathy D. Coffey

Charles J. Vermyer

Joe J. Leming

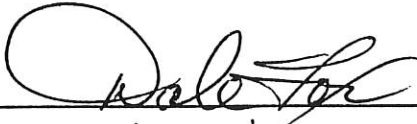
SIGNATURE RIDER FOR OVERTIME COMPENSATION LETTER
FEBRUARY 6, 1995

Signed:

Wanda A. Spooner Power Plant
Merris G. Barnes Power Plant
Charles Shurg Power Plant
Richard Fowler " "
Ricky L. Stewart Power Plant
George W. Dewey " "
Raymond V. Schief Power Plant
Robert E. Taylor Power Plant
Angela Reynolds Power Plant
Emil Trybani Power Plant
JAY JOHNSON Power Plant

SIGNATURE RIDER FOR OVERTIME COMPENSATION LETTER
FEBRUARY 6, 1995

Signed:

Dale Fox		KU Fac Op
Ed Eneiken	Ed Eneiken	KU Fac Op
Jerry Kendrick	Jerry Kendrick	KU Fac Op
Harold Johnson	Harold Johnson	KU Fac Op
Doug Fraser	Doug Fraser	KU Fac Op
Dale Beorn	Dale Beorn	KU F&O SS
Bob Shelley	Bob Shelley	KU F&O. SS
John Wagner	JOHN WAGNER	KU F&O. SS
John DARNELL	John Darnell	KU F&O. Steam shop

SIGNATURE RIDER FOR OVERTIME COMPENSATION LETTER
FEBRUARY 6, 1995

Signed:

<i>Neil S. Horne</i>	FACILITIES OPERATIONS	UNIV. OF KS
<i>Dr. Paul Verhey</i>	Facilities operations	univ. of KS
<i>Paul Mitchell</i>	Facilities Operations	Univ of KS

SIGNATURE RIDER FOR OVERTIME COMPENSATION LETTER
FEBRUARY 6, 1995

Signed:

Robert L. Sample

Michael J. Huggell

David H. McLaughlin

William J. Edwards

Sid Kemp Jr.

SIGNATURE RIDER FOR OVERTIME COMPENSATION LETTER
FEBRUARY 6, 1995

Signed:

Sam D. McManess
Dale E. Rollins
Ray H. Phillips
James P. Maiden
Charles W. Duce
Henry M. Buchholz
Philip J. Parker
Richard Borcia
David Houston
Russell H. Bailey
Charles P. Emmert
Ervin H. Kulis
Joseph D. Falgoutier
Alban Schwarz
Ronald O. Sellers
E. Wittman
William S. Zinn
Gregory Ziegler

SIGNATURE RIDER FOR OVERTIME COMPENSATION LETTER
FEBRUARY 6, 1995

Signed:

Harold Kettler
Frank W. Weber

SIGNATURE RIDER FOR OVERTIME COMPENSATION LETTER
FEBRUARY 6, 1995

Signed:

Marvin Weideman
Alejandro D. Toledo
Clint Hutchins
John E. Jones
James Means
Garry Clark

SIGNATURE RIDER FOR OVERTIME COMPENSATION LETTER
FEBRUARY 6, 1995

Signed:

1. Kenneth Bateson
Walter C. [unclear]
Wayne C. [unclear]
Delina Greene
Ed Greene
Mike Murray
Roger Beckwith
Murdin Hefner
Stanley Gocher

SIGNATURE RIDER FOR OVERTIME COMPENSATION LETTER
FEBRUARY 6, 1995

Signed:

~~Daniel Crockett~~ F+O Plumber Feb 4 1995
Harold m. Stutz Sr F+O Plumber 2-6-1995
Samuel E. Coarthen F+O Plumber 2-6-95
Cliff McConnell F+O Plumbing
Rex L. Doye " "
Charles Sult F+O Plumbing 2-6-95
Dolly L. Hollison F+O Plumbing Shop 2-6-95
Gene L. Vaughn F+O Plumbing Shop 2-6-95
Larry E. Higgins F+O Plumbing Shop 2-6-95
Jerry L. House F+O Plumbing Shop 2-6-95

SIGNATURE RIDER FOR OVERTIME COMPENSATION LETTER
FEBRUARY 6, 1995

Signed:

Steven R. Allen

Michael A. Casper

Harold W. Pava Jr

Orlando E. Allen

~~Ken August~~

William J. Baker

Charles Travis

Ronnie Van Vleck

Jay L. Linn

Carl Robl-Helm

Steve Gattet

SIGNATURE RIDER FOR OVERTIME COMPENSATION LETTER
FEBRUARY 6, 1995

Signed:

Thomas H. Lee
Jan. 20, 1995
Louisiana State University

SIGNATURE RIDER FOR OVERTIME COMPENSATION LETTER
FEBRUARY 6, 1995

Signed:

Clifford Hadl

Larry Rawlins

Henry G. Gifford

Larry Thompson

Steven Christ

Scott McCoy

Donald Milby

James D. Miller

Tommi W. Wigher

Merle E. Lowe

Randage L. Bross

Cale Guitt

Ray Carson

Bill Barkley

SIGNATURE RIDER FOR OVERTIME COMPENSATION LETTER
FEBRUARY 6, 1995

Signed:

Pat Adams (KU) (10 1/2 yrs)
Kat Freitag (KU) (8 yrs)
Vonda Maden (KU) (28 yrs)
Virginia Wrenth (KU)
Karen Allen (KU)
Adonia David (KU)
Joanne M. Esbert, (KU)
Gloria Wood (KU) 36 yrs.
Betty Childers (KU)
Mary Pat Schenck (KU)
Claire Benson (KU)
Alan Cobb (KU)
Deanna M. Webb (KU)
VALLA POE (KU)
Regalla J. Babcock (KU)
Thyr. Hatt (KU)
Patsy W. Hamon KU (12 yrs)
Celeste Smith (KU)
Dorinda M. Zhang (KU)

SIGNATURE RIDER FOR OVERTIME COMPENSATION LETTER
FEBRUARY 6, 1995

Signed:

Ralph Langone
Dave Umscheid

OVERTIME COMPENSATION

SIGNATURE RIDER FOR OVERTIME COMPENSATION LETTER
FEBRUARY 6, 1995

Signed:

Joseph A. Russo
Dennis Ryan 2-6-95
Victory [unclear]
Todd L. [unclear] 2-6-95
Kenneth W. [unclear]
Claude D. Bryant
Eric E. [unclear] 2-6-95
Ray Huff 2-6-95
David [unclear] 2-6-95
Dana Johnson 2-6-95
Chris [unclear] 2-6-95
Art M. [unclear] 2-6-95
Roy W. [unclear] 2-6-95
Cliff Watters 2-6-95
Mike LaBonte 2-6-95
Nish von [unclear] 2-6-95

SIGNATURE RIDER FOR OVERTIME COMPENSATION LETTER
FEBRUARY 6, 1995

Signed:

Donald L Creason	Barney Allen
Kevin Guishe	Larry Lewis
Jim Brundwell	Jay Barnard
Tom Ramirez	John Touk
Richard E. Whittington	Joe Battist
Ray Wilson	Allen Long
Carl Mitchell	Robert Harkness
Kent Cole	

December 10, 1995

Marc Adin
Director of Human Resources
109 Carruth-O'Leary
The University of Kansas
Lawrence, Kansas 66045

RE: Current Overtime Compensation Rules

Dear Marc:

The current method of accounting and paying for "Call-backs" is creating problems. Prior to June 18, 1995, the Department of Student Housing (DSH) was paying an employee who was called back to work to address an emergency, a minimum of 2 hours at their overtime rate. Since then, "Call-backs" have been paid at the overtime rate for actual time worked (on the clock) if total weekly hours exceed 40 hours, and at the regular time rate for the balance of the two hours.

The implementation of the new overtime regulations, coupled with the inclusion of "Call-backs" as part of the 40-hour work week, and the resulting loss of additional income for employees, have caused resentment and morale problems among the workforce. Prior to the implementation of these two changes, it was not difficult to contact a worker to respond to an emergency "Call-back". Workers are now screening their calls and deciding whether to respond or not. This is particularly prevalent during a week in which there is a holiday or when an employee has taken or anticipates taking leave. Fortunately, DSH has not had an emergency that has caused major damage. When DSH has not been able to contact a worker to respond, the phone carrier or another supervisor has been able to at least minimize the problem; however, they generally do not have the expertise to solve it.

At least part of our problem stems from the fact that there is nothing in the negotiated memorandum of agreement that requires an employee to return to work if called.

DSH has supervisors who carry a cellular phone, on a rotational basis, during non-working hours. For carrying the phone the supervisor is compensated \$1.00 per hour outside the regular work week. The primary functions of the phone carrier are to receive emergency calls, evaluate the problem, and dispatch a tradesperson to do the repair.

An analysis of the number of "Call-backs", overtime worked, and actual worker pay for the overtime, for the period September 10 - November 11, 1995, was conducted. It showed that there were 26.92 hours of time worked on the clock. For this time and the balance of the two hours, the workers received \$397.93 in pay. The projected annual cost using the current system would be \$2387.58. Many of those who responded to emergencies, took compensatory

time or had some type of leave during this period. The log maintained at the maintenance shop, shows that there were 104 hours of "Call-back" time. Under the old system of compensation, this would have equalled \$1745.84, a difference of \$1458.62. Employees view this as money "lost" to them. For example, the analysis showed two workers would have earned \$127.01 and \$200.61 more (under the old system) for their "Call-backs" during the two month period. Assuming that the two months evaluated are typical of the year, the total additional cost of paying staff as we did before the regulation change would be \$8087.46 annually or a total of \$10,475.04 annually.

One option to ensure adequate coverage would be to regularly schedule employees on standby, similar to the phone carrier. This would require paying them an additional \$1.00 per hour. Of the last 84 emergency calls (since the beginning of first semester), 33% have been plumbing-related, 36% lock-related, 25% electrically-related and, 6% refrigeration-related. Insuring coverage of the majority of our emergency calls would require a minimum of three workers, a plumber, an electrician and a locksmith. The cost would be \$348.00 per week, including weekends, or \$19,968.00 per year.

A second option would be to hire a full time, multi-skilled worker that would work an alternate shift. In addition to responding to emergencies, the individual would do preventive maintenance or complete work requests that could not be addressed during the day. The skill level of this employee would have to be at least Range -19, starting salary \$21,696.00 annually. A disadvantage to this option is that there still would be no coverage from the end of this alternative shift until the start of the next work day.

A third option would be to pay for the "Call-back" using the current policy. The overtime worked and the balance of the two hour "Call-back" would be accounted for separately and not included against the forty-hour work week. Any time worked beyond two hours would revert to the normal pay rate. The cost of this option would be difficult to calculate.

Another option would be to return to the old system. The employee responding to the "Call-back", would be paid for two hours at the premium rate. These two hours would be considered separately and not relate to the forty-hour work week. Any time worked beyond two hours would revert to the appropriate pay rate. Initial indications are that the old system cost the state about half of the first option. I think you would agree that the inconvenience of responding from home after working a full day or on a weekend, is worth the two hour "Call-back" at the premium rate.

Request assistance in gaining some relief from the current overtime, "Call-back" policies . We would also request the new policy be put in writing by memo or letter.

Sincerely,

Philip N. Garito
Assoc. Director, Student Housing

cc Kip Grosshans

Director
FD

" When a holiday is involved,
esp between Thanksgiving &
X-mas, we have snow
and ^{often} water breaks and
it ~~is~~ ^{often} difficult to get
people to answer their phones.
I have talked to people from
K state, Emporia and FAHays
state and they are having the
same sort of problems. Part of
the problem is created by technology
with answering machines and call F.D.
but we never had these sorts of
problems before the law was
changed.

Kansas Council of Classified Senates

Representing over 5000 Board of Regents Classified Employees

Salary

- ✓ Provide a 6 – 7.6% COLA to correct loss of purchasing power
- ✓ Continue funding of step increases
- ✓ Add steps to top of pay matrix
- ✓ Provide funding for longevity bonuses
- ✓ Conduct a comprehensive job rate and classification study

Retirement

- ✓ Total repeal of Article 68, KSA 75-6891 – Position Reductions Based on State Employee Retirements
- ✓ Subsidize insurance payments for those employees who opt to retire under the 85 point plan

Benefits

- ✓ Amend Article 55, KSA 75-5537 to include: “Each official state holiday which occurs within a regularly scheduled workweek shall be counted as time worked in determining the amount of overtime compensation for state employees.”

October 1998

*Emporia State University – Ft. Hays State University – Kansas State University
Pittsburg State University – University of Kansas – Wichita State University*

The University of Kansas

Department of Human Resources

Testimony of Ola Faucher,
Director of Human Resources, University of Kansas
Before the Kansas 2000 Select Committee
Delivered February 1, 1999

Mr. Chairman, distinguished members of the Committee:

I am pleased to speak in support of House Bill 2034 that would allow holidays to be counted as time worked for "essential" employees in the determination of overtime compensation.

The University of Kansas is very much like a community with all the support services necessary to maintain a small city. Our 1,000-acre campus is home-away-from-home for about 25,000 students. To assure the safety, health, and comfort of those student residents, the KU community includes a police force; street, building and grounds maintenance staff; a student health service; food services; a power plant; telephone and computing services; parking services; and varied administrative services. These same services support KU's instructional, research, and service mission. Like any community, KU depends upon its dedicated staff to provide these essential services.

When the State of Kansas chose to adhere to the minimal overtime determination allowed by the Fair Labor Standards Act (i.e. counting only time worked), KU's ability to provide essential services was eroded. Many staff viewed the change as an abrogation of the employment contract under which they were hired. From a management perspective, this change became one more staff disincentive, compounding with the affects of others like non-competitive wages and lack of fiscal recognition for true merit.

KU has been primarily affected by this regulation during emergency and inclement weather situations when extra staff have to be called into service to address immediate needs. Our departments of Facilities Operations and Student Housing have a voluntary call-in process when extra staff are needed. They have found staff reluctant to answer those calls and reluctant to return to work when no fiscal incentive exists. Nor is there a way to reward those who repeatedly answer the call for extra service around holidays.

This bill admittedly has fiscal ramifications of which I'm sure you have been advised. We are grateful, nonetheless, for this bill and particularly for the feature that allows agency determination of essential employees. The bill helps to remove one disincentive for a small group of people. Administratively, it would be less burdensome if the bill applied to all employees, not just "essential" employees. The bill does create a special group of employees that will be granted a privilege not available to others. Thank you for the opportunity to comment on House Bill 2034.

Testimony of Timothy C. Gardner, Kansas State Troopers Association
February 1, 1999

Chairman Wilk and Members of the House Kansas 2000 Select Committee:

My name is Timothy Gardner, and I am a 14 year veteran of the highway patrol. I am here today to testify on behalf of the Kansas State Troopers Association to show our support for House Bill no. 2034.

In 1994 legislation was passed which removed benefits troopers and other state employees previously had. Before this legislation was passed, sick leave, vacation days, and holidays were counted as hours worked for overtime purposes. For example, when a holiday occurred during a regularly scheduled work week, and the trooper was off that holiday, but later had to work in excess of the required hours per month, he was actually paid for the hours of overtime incurred. In 1994 this benefit was removed by amendments to K.S.A 75-5537. According to the current language of this statute, if a trooper takes a week's vacation, and the following week works 70 hours, incurring 30 hours of overtime, he will be paid those 30 hours at straight time, and will be paid no overtime wages.

House Bill 2034 partially removes the penalty imposed by the 1994 changes to the statute. The proposed language helps to rectify the holiday overtime problems created by the 1994 law, but does not address parallel problems of sick leave and vacation leave. All benefit time should be included as hours worked when determining overtime. Accordingly, we support H.B. 2034, but believe it does not go far enough, and should include all benefit time in addressing overtime compensation to fully rectify the 1994 changes.

Thank you for your time and attention. I will be happy to answer any questions.

Kansas 2000 Select Committee

Meeting Date 2-1-99

Attachment 7

WICHITA STATE UNIVERSITY
Classified Senate Representatives

1845 N. Fairmount
Wichita, Kansas 67260-0003
(316)-978-5525

January 29, 1999

Representative Kenny Wilk
Kansas Legislature

Re: House Bill 2034

Dear Representative Wilk;

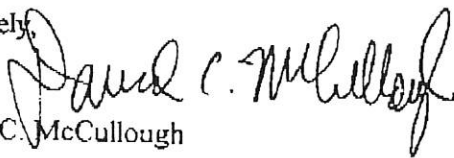
We are in support of the new holiday forty hour overtime proposal.

We were just notified late today of the hearings on the following Monday and consider this short time insufficient notice to make arrangements for a trip to Topeka. We are members of the Classified Senate and represent the University Police Department and the Physical Plant. Our fellow staff members are the employees that work odd hours, some have days off in the middle of the week, and get called out on emergencies, and are affected by the overtime call-outs. We all feel that the present situation is unfair.

We further consider that Sick-time and Vacation-time as 'time already earned' and should be considered as regular work hours. It seems that we are getting punished under the present 40 hours actual work week as set by the administration if we get called out to work extra.

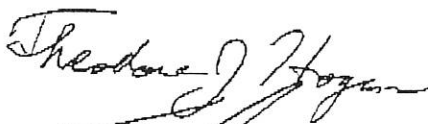
Please share this information with the committee in place of testimony. Your continued support of this bill is appreciated. Keep us and our fellow staff in mind.

Sincerely,



David C. McCullough

Ted Hogan



Tony Sieverin
copy: Eric Sexton



Kansas 2000 Select Committee

Meeting Date 2-1-99

Attachment 8