

MINUTES OF THE HOUSE BUSINESS, COMMERCE AND LABOR COMMITTEE.

The meeting was called to order by Chairperson Al Lane at 9:05 a.m. on February 13, 2001 in Room 521-S of the Capitol.

All members were present

Committee staff present: Renae Jeffries, Revisor of Statutes
 Jerry Donaldson, Legislative Research Department
 Bev Adams, Committee Secretary

Conferees appearing before the committee: Tim Madden, DOC
 James Frazier, Juvenile Justice Authority
 Andy Sanchez, KAPE

Others attending: See attached list

Hearing on: HB 2223 - Employee drug testing, Department of corrections.

Chairman Lane read the fiscal note for the bill. The Budget Director estimates that approximately 127 additional pre-employment tests could be conducted with the passage of **HB 2223**, at a cost of \$3,651.

Tim Madden, Department of Corrections, appeared as a proponent of the bill. The bill amends K.S.A. 75-462 to include state parole officers and all correctional facility staff within the definition of "safety sensitive positions" for the purposes of the state drug screening program. It also removes a restriction on the discipline of employees who engage in the use of illegal drugs. (Attachment 1) He concluded his testimony by answering questions from the committee.

James Frazier, Assistant Commissioner of Operations, Juvenile Justice Authority (JJA), appeared as a proponent of the bill. The JJA conferred with the Secretary of Corrections on this bill and are behind it 100%.

Andy Sanchez, Kansas Association of Public Employees (KAPE), appeared as an opponent of the bill. KAPE represents about 1055 Corrections Officers I and II's across Kansas. He feels that striking the second chance portion of the statute shows a low tolerance for those who work at a very stressful, dangerous job. He believes that other problems, such as divorce or financial stress can cause employees to react much the same way as a person using drugs. He ended his testimony by answering questions from the committee.

No others were present to testify for or against the bill and Chairman Lane closed the hearing.

Chairman Lane adjourned the meeting at approximately 9:25 a.m. The next scheduled meeting will be February 14, 2001.

STATE OF KANSAS



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Bill Graves
Governor

Charles E. Simmons
Secretary

Memorandum

Date: February 13, 2000

To: House Business, Commerce and Labor Committee

From: Charles E. Simmons
Secretary of Corrections

A handwritten signature in black ink, appearing to read "C. Simmons".

Re: HB 2223

HB 2223 amends K.S.A. 75-4362 to include state parole officers and all correctional facility staff within the definition of "safety sensitive positions" for the purposes of the state drug screening program. Additionally, HB 2223 removes a restriction on the discipline of employees who engage in the use of illegal drugs.

Pursuant to K.S.A. 75-4362, the definition of "safety sensitive positions" regarding employees of the Department of Corrections is currently limited to law enforcement officers authorized to carry firearms, correctional officers, and the Secretary of Corrections. In contrast, all juvenile correctional facility staff positions are designated as "safety sensitive positions". HB 2223 provides for inclusion of all correctional facility staff positions within the definition of "safety sensitive positions". Additionally, HB 2223 designates state parole officers as being "safety sensitive positions".

The expansion of "safety sensitive positions" recognizes that all employees within a correctional facility are involved in the maintenance of security and supervision of offenders within a correctional facility. Additionally, parole officers are law enforcement officers charged with the enforcement of release supervision conditions imposed upon offenders, including prohibitions against illegal drug usage. The inclusion of these two classes of employees within the definition of "safety sensitive positions" recognizes their role regarding the Department's safety and law enforcement mission.

House Business, Commerce & Labor Committee

2-13-01

Attachment 1

Finally, HB 2223 removes the restriction limiting the authority of state agencies charged with providing for the safety of the citizens of this state to terminate the employment of an employee engaged in illegal drug usage. Current law prohibits the firing of an employee solely due to the positive results of a drug test if the employee has not previously had a valid positive test result and the employee undergoes a drug evaluation and successfully completes a recommended education or treatment program. HB 2223 permits appointing authorities to take the appropriate disciplinary action, including employment termination, consistent with the Civil Service Act.

The provisions of HB 2223 embody the public safety mission of the Department of Corrections as well as its role as a law enforcement agency charged with the responsibility of enforcing state laws.

The Department urges favorable consideration of HB 2223.

CES/TGM/cj