

MINUTES OF THE HOUSE BUSINESS, COMMERCE, AND LABOR COMMITTEE.

The meeting was called to order by Chairperson Al Lane at 9:12 a.m. on March 20, 2002 in Room 521-S of the Capitol.

All members were present except: Rep. Carol Beggs - excused

Committee staff present: Jerry Donaldson, Legislative Research
Bob Nugent, Revisor of Statutes
Renaë Jeffries, Revisor of Statutes
Bev Adams, Secretary

Conferees appearing before the committee: Paul Bicknell, KDHR
Steve Markley, KDHR
Jim DeHoff, Kansas AFL/CIO

Others attending: See Attached list

Sub-Committee Report and Final Committee Action on HB 2933 - State employee drug screening program amendments.

Rep. Humerickhouse brought before the committee the sub-committee report on **HB 2933**. The sub-committee was composed of Rep. Humerickhouse, Chair, and Reps. Novascone, Grant, and Ruff as members. They met three times for open discussion, with the Department of Administration, Department of Corrections, SRS, and other institutions, focusing on what the bill does in order to address safety sensitive employees. Discussion also revolved around some of the terminology in the bill and the drug testing for pre-employment and reasonable suspicion of drug use. Once the committee understood it was reasonable suspicion and not random drug testings, everyone was in more agreement than before they had that understanding. They also asked for a modification of the list of job positions to be included in the drug testing list and they received an amended list. It did not change the numbers but it did change the positions and directed them more toward the safety sensitive employees than the original list did.

The recommendation from the sub-committee is to recommend the bill favorably for passage to the entire committee. They are in agreement 4-0 that the bill should be worked. They have two reservations; the amendment concerning the veterans' homes and the concern of the wording dealing with the Regents and the KU Med Center employees as well as the KU campus general in Lawrence. It's the recommendation from the sub-committee to leave that part in the bill, if the entire committee agrees, and any changes needed could be made in the Senate.

The sub-committee believes it is an important bill and the changes in the drug screening program need to be made.

A motion was made by Rep. Grant and seconded by Rep. Ruff to adopt the sub-committee report. The motion passed.

Discussion followed.

A motion to amend was made by Rep. Grant and seconded by Rep. Humerickhouse to include the amendment in the balloon from Bob Nugent, Revisor, to strike on page 1, line 39 and 40, (6) any "~~position to the Kansas soldiers' home, as established under K.S.A. 76-1901 et seq.,~~ and replacing it with "*employee of a state veteran's home operated by the Kansas Commission on Veterans's Affairs as described in K.S.A. 76-1901 et seq, and amendments thereto, and K. S. A. 76-1951 et seq.*" The motion passed.

Rep. Grant made a motion to pass out **HB 2933** favorably as amended. Rep. Long seconded the motion. The motion passed. Representatives Barnes, Henderson, Rehorn, Swenson and Welshimer requested their no votes be recorded.

CONTINUATION SHEET

MINUTES OF THE HOUSE BUSINESS, COMMERCE, AND LABOR COMMITTEE, March 20, 2002 at 9:12 a.m. in Room 521-S of the Capitol.

Hearing on: HB 3021 - Employment security law; calculation of base wage.

Paul Bicknell, Chief of Contributions, Kansas Department of Human Resources (KDHR), appeared before the committee to report on the bill. The bill is a result of the efforts of the Kansas Department of Human Resources Employment Security Advisory Council, which voted unanimously in support of the amendments set out in the bill. One amendment adds a new subsection (G) and provides that no contributing employer or rated governmental employer's account shall be charged with respect to their pro rata share of benefit charges if such charges are of \$100 or less. (Attachment 1) He introduced Steve Markley, the Chief of Benefits Administration for KDHR.

Mr. Markley said the second amendment expands the definition of our base period and creates an "alternative base period" for individuals having a worker compensation injury. Other amendments are included in his written testimony. (Attachment 2) He concluded his testimony by answering questions from the committee.

Jim DeHoff, Kansas AFL/CIO, appeared before the committee in support of **HB 3021**. (Attachment 3)

No others were present to testify for or against the bill and Chairman Lane closed the hearing on **HB3021**.

Chairman Lane adjourned the meeting at 10:10 a.m.

The next scheduled meeting is March 21, 2002.

**HOUSE BUSINESS, COMMERCE AND LABOR COMMITTEE
GUEST LIST**

DATE: 3/20/02

NAME	REPRESENTING
Jim McHaff	KS AFL-CIO
Mark S. Braun	Dept of Admin. - Legal
Karen Watney	Dept of Admin
J. Manam	Dept. of Adm.
George Vega	STRS
D. KEITH MEYERS	ADMINISTRATION
Judy Liberson	DOC
Mollie Hill	Dept. of Admin. - Legal
Spud Kent	DOA/DPS
GARY DAVENPORT	KS MOTOR CARRIERS ASSN
Will Daugherty	Federico Consulting
TERRY LEATHERMAN	KCCI
Paul Bicknell	KDHR
STEVE MARKLEY	KDHR

TESTIMONY
HOUSE BUSINESS, COMMERCE, AND LABOR COMMITTEE
MARCH 20, 2002

Good morning, Chairman and members of the committee, my name is Paul Bicknell. I am the Chief of Contributions, Kansas Department of Human Resources. Thank you for the opportunity to appear before you along with my colleague Steve Markley, Chief of Benefits, Kansas Department of Human Resources, to report on HB 3021.

Prior to going through the bill, we thought it only proper to advise the committee of two affects that the Temporary Extended Unemployment Compensation Act of 2002 – which is Title II of the Job Creation and Worker Assistance Act of 2002, Public Law 107-147, signed by the President on March 9, 2002, has on the Department.

The first affect is to provide for a 13 week extension of unemployment benefits to those Kansas workers that have exhausted their regular state benefits and remain unemployed.

The second is the very recent \$8 billion Reed Act distribution made to states on March 14, 2002. The Reed Act distributions follow federal law as to how states may use this money. It may be used for the payment of unemployment compensation (UC), the administration of the state's UC law and its public employment services offices.

House Bill 3021 is the result of the efforts of the Kansas Department of Human Resources Employment Security Advisory Council, which voted unanimously in support of amendments set out in HB 3021. The council is made up of four employee members, four employer members and four public members.

House Business, Commerce & Labor Committee
3-20-2002
Attachment 1

I would first like to turn the committees attention to the amendment to K.S.A. 44-710 which is on page 21, lines 39 through 41. This amendment adds a new subsection (G) and provides that no contributing employer or rated governmental employer's account shall be charged with respect to their pro rata share of benefit charges if such charges are of \$100 or less.

At this time I'll turn the presentation over to my colleague Steve Markley, Chief of Benefits, Kansas Department of Human Resources. Mr. Markley will walk you through the other amendments in the bill.

TESTIMONY
HOUSE BUSINESS, COMMERCE, AND LABOR COMMITTEE
MARCH 20, 2002

Good morning, Chairman and members of the committee; my name is Steve Markley and I am the Chief of Benefits Administration for the Kansas Department of Human Resources. I appreciate the opportunity to appear before you along with my colleague Paul Bicknell, to report on HB 3021.

This bill is the result of efforts by the Kansas Department of Human Resources Employment Security Advisory Council, which you heard voted unanimously in support of amendments set out in HB 3021. The council advises the agency on employment matters and reviews suggested changes in our law.

Along with the section explained by Mr. Bicknell, the second portion of HB 3021 under 44-703 (page 1 line 38 through page 2, line 6) expands the definition of our base period and creates an "alternative base period" for individuals having a worker compensation injury. This HB attempts to correct the situation of individuals who had a work related injury, recovered, were subsequently released to return to work, unable to find work, and thus excluded from UI benefits, since there were no wages in the base period. Naturally, the recovered party will be required to be "able and available" under our normal work search requirements.

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The next section under 44-703 (page 20, line 20-23) adds a definition of “qualifying injury” covered under the Worker Compensation Act, KSA 44-501 *et seq.*

The final section under 44-705 provides qualifiers to the alternate base period. Regular qualifiers of thirty (30) times the weekly benefit amount and wages in more than one quarter are listed on page 21, line 41 through page 22, line 2, and are added to the “alternative base period.” Additional filing elements for claimants (page 22 line 3 through line 10), include sections under 44-705 (g), which are: (1) filing within four (4) weeks of being released to return to work by a licensed and practicing health care provider; (2) filing for benefits within 24 months of the date the qualifying injury occurred; and (3) the claimant having made an attempt to return to the previous employer, but comparable, suitable work was not available.

This concludes my testimony and I am now available for any further questions.



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Jerry Lewis
Adrain Loomis
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Betty Vines
Dan Woodard*

Testimony by
Jim DeHoff, Executive Secretary
Kansas AFL-CIO
to the
Business, Commerce & Labor Committee
Wednesday, March 20, 2002

on HB 3021

My name is Jim DeHoff and I represent the Kansas AFL-CIO. We appear before your committee in support of HB 3021.

HB 3021 is recommended to the Kansas Legislature by the Employment Security Advisory Council. The Advisory Committee is made up of four members of labor, four from management and four from the public sector.

This bill addresses two issues:

1. No employer's account would be charged if they did not contribute over \$100 dollars of wages in the employees base period. This would eliminate a large amount of paper work for the department. It would also eliminate many appeals by employers who don't understand why their account is being charged.
2. HB 3021 would also establish an alternative wage base for employees who are off work due to an extended workers compensation injury, they are released for work, and the employer can't accommodate them back to work. They would have to meet all other requirements in the employment security law.

Mr. Chairman, we thank you for the opportunity to present testimony on HB 3021, and we respectfully request the committee to recommend it favorable for passage. **House Business, Commerce & Labor Committee**

3-20-2002

Attachment 3

