



Testimony in Support of House Bill 2261 House Committee on Transportation

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The Kansas Highway Patrol (KHP) appreciates the opportunity to provide testimony supporting House Bill 2261. The bill would amend KSA 74-2113 to clarify that a KHP employee holding the rank of major is within the unclassified service under the Kansas Civil Service Act. The bill also affirms that when a major's appointment ends, the employee shall return to a rank with permanent status not lower than the rank the person held when appointed.

The Kansas Civil Service Act divides employees into classified and unclassified services. Classified employees are selected according to merit through a competitive process and are afforded certain employment protections. Unclassified employees can be directly hired and serve at the pleasure of the agency's appointing authority. KSA 74-2113 designates which KHP ranks are within the classified service and which are within the unclassified service. The statute specifies that the Superintendent and Assistant Superintendent are within the unclassified service. The statute also clearly stipulates that employees at the rank of captain and below are within the classified service.

However, due to ambiguous language, it is not entirely clear whether KSA 74-2113 designates the position of major as within the classified or unclassified service. This ambiguity has resulted in litigation and uncertainty regarding whether majors are eligible for the KHP career progression salary plan, which is for classified employees only, or whether majors are subject to the Governor's periodic state employee compensation increases for employees not assigned to a career progression plan.

KHP employs six majors, all of whom voluntarily accepted an unclassified employment status upon appointment. The bill would make no changes to these employees' existing unclassified status. The bill also does not impact the protections afforded to the Superintendent, Assistant Superintendent, or majors should their appointed position end. Should there be a leadership change and employees in these positions are not selected to retain their rank, they would transition to their previously held rank with permanent status in classified service. No probationary period would be required. These protections are afforded to executive staff at KHP because of the agency's unique structure for promotion. Pursuant to KSA 74-2113, the position of major must be appointed from within the ranks of KHP. This bill would clarify that the major position is unclassified, while allowing individuals to accept such a position without jeopardizing certain benefits upon completion of the appointment.

KHP supports House Bill 2261, which clarifies statutory language to affirm that KHP majors are within the unclassified service. We sincerely thank the members of this Committee for considering our testimony and urge your support of this bill.

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