

To: Kansas Senate Committee on Government Efficiency
From: Secretary Adam C. Proffitt, Department of Administration
Date: February 12, 2025
Subject: Neutral Testimony on SB 99

Dear Chairperson Erickson and members of the Committee:

Thank you for giving me the opportunity to speak to you today about SB 99. The Department of Administration is here to provide an overview of the impact of this proposed legislation on agencies under the Governor's jurisdiction.

This bill would require all State agencies to submit a report to the Department of Administration on or before June 30th of this year that identifies all vacant positions in each agency that have been vacant for more than 180 calendar days and is funded with SGF funds. On July 1st all of those positions would be abolished, and the funding would be lapsed.

As the Committee can imagine, this will impact different agencies differently. For those agencies that fund few to no positions with SGF dollars, this bill will have little to no impact. For those agencies with a more balanced split between funding sources, the impact will vary, largely based on the size of the agency and the nature of the positions. While for those agencies that fund the majority of or all of their positions with SGF dollars, the impact could be considerable.

For example, in the Department of Administration, assuming all current positions remain vacant until June 30th, this bill could potentially impact a total of four positions. However, two of those positions have been posted and one is in the process of being posted, so the assumption is that they will all be filled by June 30th. That means that this bill would impact a single position at the Department of Administration.

Using another example, the KBI has approximately 25 positions that have been vacant for longer than 180 days. However, many of these are awaiting to be filled and are going through the extensive background checking process awaiting to be filled. The hiring of Special Agents is extremely difficult and time consuming and the entire hiring process can take upwards of nine months to perform the interviews, background checks, polygraph, psychological, and medical reviews prior to the start of its annual academy. So, while the agency is hopeful that most of the 25 positions would be filled by June 30th, this bill could possibly impact several others and essentially negate months of effort.

And for the final example, the Department for Children and Families currently has 199 positions which are at least partially SGF funded and have been open for 180 or more days. If the intent of this bill is to lapse all positions that are at least partially funded by SGF funds, the agency says that this would impact all 199 positions – several of which receive SGF funding of only 3% of the total of the position. The agency states that the loss of these positions would have an adverse impact on the services the agencies

provide, particularly in the Disability Determination Services Program and the Kansas City and West Region Prevention and Protection Services subdivisions.

The issue of abolishing any position that receives any amount of SGF funding is a significant concern and is not unique to DCF. There are multiple agencies with such positions, many of which receive Federal funding for the majority of the position. For example, KDHE and KDOL both have multiple positions that perform duties that are required by the Federal government and receive Federal funding for the majority of those positions. So, not only would lapsing the funding for those positions generate little in the way of savings, it would also lapse the Federal dollars and potentially risk non-compliance with Federal requirements.

With respect to reasons why some positions sit vacant for extended periods of time, it is important to note that the recruitment process for some types of positions can take a lengthy amount of time to complete, so this bill will have a disproportionately negative impact on some of the most difficult to fill positions in the State workforce. This was referenced above specifically by the KBI for its Special Agents but would also apply to several other highly skilled or highly technical positions.

Another reason why positions may remain vacant for so long is that agencies are attempting to continue operations without filling the position but have not yet been able to determine if that can be done. For example, if a position that had previously been occupied by a senior-level employee is vacated, agencies may often attempt to disburse some of the duties of that position to other employees and attempt to leave that position vacant. This provides employees with less experience with an opportunity to take on greater responsibilities but depending on the nature of the work of the position, an agency may not be able to determine if the vacant position can remain unfilled within 180 days due to the timing of the prior incumbent's departure.

For example, if a senior-level employee at the Department of Revenue retires in May, the agency may not be able to determine whether the distribution of the duties of that position to others was effective or not until the completion of tax season the following year. Similarly, an agency would be in the same position if a Legislative Liaison retired immediately after the session.

Finally, there was some concern that since the responsibilities of positions lost due to this legislation would remain even if the position itself were lost, agencies would be forced to contract for the work that was being performed by the lost positions. In particular, the Department of Agriculture expressed concern about this with respect to engineers and veterinarians, and potentially to attorneys as well. The agency pointed out that such a scenario may actually end up costing more, since some contracts with private employers could cost significantly more than the salary that was being paid to the position that had previously been responsible for those duties.

So, without a more considered approach to the process of eliminating positions, it is likely that this proposed legislation would negatively impact multiple agencies, and likely have even further unintended consequences than those mentioned today.

Thank you for your time. I would be happy to stand for any questions.