

Office of Revisor of Statutes

300 S.W. 10th Avenue
Suite 024-E, Statehouse
Topeka, Kansas 66612-1592
Telephone 785.296.2321 FAX 785.296.6668

MEMORANDUM

To: Chairman Rhoades and members of the House Appropriations Committee
From: Jill Wolters, First Assistant Revisor of Statutes
Date: March 8, 2013
Subject: HB 2384, classified and unclassified employees

House bill 2384 amends several statutes concerning classified and unclassified employees of the state of Kansas.

New Section 1 of the bill establishes a purpose statement, stating that executive branch state agencies provide services to citizens by attracting, retaining and developing highly competent employees in order for the agencies to function effectively, efficiently and productively.

On and after July 1, 2013, the following positions would be unclassified:

A. All attorneys. [Currently, most attorneys are unclassified. However, three statutes, K.S.A. 2012 Supp. 75-5121 (Sec. 7), K.S.A. 75-5310 (Sec. 8) and 75-5611 (Sec. 11), allow the Department of Revenue, Department for Children and Families and KDHE to have classified attorney positions. These sections are amended to make all attorney positions unclassified.]

B. All information technology positions.

C. All supervisors, except at Kansas Bureau of Investigation (KBI), Department of Corrections (DOC), Adjutant General and Kansas Highway Patrol (KHP).

D. All new hires/transfers/promotions/demotions, except at KBI, DOC, Adjutant General and KHP.

There is an exception for employees in the Department of Labor who because of federal unemployment insurance laws must be covered by a merit based personnel system, such as the classified service. Pursuant to federal law, if employees are not covered by a merit based personnel system, the Kansas unemployment insurance rate could increase.

Persons whose positions are being converted to unclassified will be given notice on or before June 1, 2013.

Under current law, classified employees in the KBI who are promoted to Director, Assistant Director or Associate Director may return to their previously held classified

position when the appointment ends (K.S.A. 2012 Supp. 75-711, Sec. 4); the same is true for the director of the division of environment in KDHE (K.S.A. 75-5605, Sec.9), and persons in any state agency appointed to acting secretary/director/executive officer (K.S.A. 2012 Supp. 75-4315a, Sec. 6). The bill eliminates this policy, the person would not be able to return to a classified position.

This bill will take effect upon publication in the Kansas register.