

## HOUSE BILL No. 2391

By Committee on Appropriations

2-24

1 AN ACT concerning state employees; relating to classified and  
2 unclassified service; longevity bonus payments; leave sharing program;  
3 amending K.S.A. 75-5549 and K.S.A. 2014 Supp. 75-2935 and 75-  
4 5541 and repealing the existing sections.

5  
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2014 Supp. 75-2935 is hereby amended to read as  
8 follows: 75-2935. The civil service of the state of Kansas is hereby divided  
9 into the unclassified and the classified services.

10 (1) The unclassified service comprises positions held by state officers  
11 or employees who are:

12 (a) Chosen by election or appointment to fill an elective office;

13 (b) members of boards and commissions, heads of departments  
14 required by law to be appointed by the governor or by other elective  
15 officers, and the executive or administrative heads of offices, departments,  
16 divisions and institutions specifically established by law;

17 (c) except as otherwise provided under this section, one personal  
18 secretary to each elective officer of this state, and in addition thereto, 10  
19 deputies, clerks or employees designated by such elective officer;

20 (d) all employees in the office of the governor;

21 (e) officers and employees of the senate and house of representatives  
22 of the legislature and of the legislative coordinating council and all officers  
23 and employees of the office of revisor of statutes, of the legislative  
24 research department, of the division of legislative administrative services,  
25 of the division of post audit and the legislative counsel;

26 (f) chancellor, president, deans, administrative officers, student health  
27 service physicians, pharmacists, teaching and research personnel, health  
28 care employees and student employees in the institutions under the state  
29 board of regents, the executive officer of the board of regents and the  
30 executive officer's employees other than clerical employees, and, at the  
31 discretion of the state board of regents, directors or administrative officers  
32 of departments and divisions of the institution and county extension  
33 agents, except that this subsection (1)(f) shall not be construed to include  
34 the custodial, clerical or maintenance employees, or any employees  
35 performing duties in connection with the business operations of any such  
36 institution, except administrative officers and directors; as used in this

Proposed Amendments for HB No. 2391  
House Committee on Commerce,  
Labor and Economic Development  
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1 subsection (1)(f), "health care employees" means employees of the  
2 university of Kansas medical center who provide health care services at  
3 the university of Kansas medical center and who are medical technicians  
4 or technologists or respiratory therapists, who are licensed professional  
5 nurses or licensed practical nurses, or who are in job classes which are  
6 designated for this purpose by the chancellor of the university of Kansas  
7 upon a finding by the chancellor that such designation is required for the  
8 university of Kansas medical center to recruit or retain personnel for  
9 positions in the designated job classes; and employees of any institution  
10 under the state board of regents who are medical technologists;

11 (g) operations, maintenance and security personnel employed to  
12 implement agreements entered into by the adjutant general and the federal  
13 national guard bureau, and officers and enlisted persons in the national  
14 guard and the naval militia;

15 (h) persons engaged in public work for the state but employed by  
16 contractors when the performance of such contract is authorized by the  
17 legislature or other competent authority;

18 (i) persons temporarily employed or designated by the legislature or  
19 by a legislative committee or commission or other competent authority to  
20 make or conduct a special inquiry, investigation, examination or  
21 installation;

22 (j) officers and employees in the office of the attorney general and  
23 special counsel to state departments appointed by the attorney general,  
24 except that officers and employees of the division of the Kansas bureau of  
25 investigation shall be in the classified or unclassified service as provided  
26 in K.S.A. 75-711, and amendments thereto;

27 (k) all employees of courts;

28 (l) client, patient and inmate help in any state facility or institution;

29 (m) all attorneys for boards, commissions and departments;

30 (n) the secretary and assistant secretary of the Kansas state historical  
31 society;

32 (o) physician specialists, dentists, dental hygienists, pharmacists,  
33 medical technologists and long term care workers employed by the Kansas  
34 department for aging and disability services;

35 (p) physician specialists, dentists and medical technologists employed  
36 by any board, commission or department or by any institution under the  
37 jurisdiction thereof;

38 (q) student employees enrolled in public institutions of higher  
39 learning;

40 (r) administrative officers, directors and teaching personnel of the  
41 state board of education and the state department of education and of any  
42 institution under the supervision and control of the state board of  
43 education, except that this subsection (1)(r) shall not be construed to

1 include the custodial, clerical or maintenance employees, or any  
2 employees performing duties in connection with the business operations of  
3 any such institution, except administrative officers and directors;

4 (s) all officers and employees in the office of the secretary of state;

5 (t) one personal secretary and one special assistant to the following:  
6 The secretary of administration, the secretary for aging and disability  
7 services, the secretary of agriculture, the secretary of commerce, the  
8 secretary of corrections, the secretary of health and environment, the  
9 superintendent of the Kansas highway patrol, the secretary of labor, the  
10 secretary of revenue, the secretary for children and families, the secretary  
11 of transportation, the secretary of wildlife, parks and tourism and the  
12 commissioner of juvenile justice;

13 (u) one personal secretary and one special assistant to the chancellor  
14 and presidents of institutions under the state board of regents;

15 (v) one personal secretary and one special assistant to the executive  
16 vice chancellor of the university of Kansas medical center;

17 (w) one public information officer and one chief attorney for the  
18 following: The department of administration, the Kansas department for  
19 aging and disability services, the department of agriculture, the department  
20 of commerce, the department of corrections, the department of health and  
21 environment, the department of labor, the department of revenue, the  
22 Kansas department for children and families, the department of  
23 transportation, the Kansas department of wildlife, parks and tourism and  
24 the commissioner of juvenile justice;

25 (x) ~~civil-service-examination-monitors~~ *if designated by the appointing*  
26 *authority, persons in newly hired positions, including any employee who is*  
27 *rehired into such position and any current state employee who voluntarily*  
28 *transfers into, or is voluntarily promoted or demoted into such position, on*  
29 *and after July 1, 2015, in any state agency;*

30 (y) one executive director, one general counsel and one director of  
31 public affairs and consumer protection in the office of the state corporation  
32 commission;

33 (z) specifically designated by law as being in the unclassified service;

34 (aa) any position that is classified as a position in the information  
35 resource manager job class series, that is the chief position responsible for  
36 all information resources management for a state agency, and that becomes  
37 vacant on or after the effective date of this act. Nothing in this section shall  
38 affect the classified status of any employee in the classified service who is  
39 employed on the date immediately preceding the effective date of this act  
40 in any position that is a classified position in the information resource  
41 manager job class series and the unclassified status as prescribed by this  
42 subsection shall apply only to a person appointed to any such position on  
43 or after the effective date of this act that is the chief position responsible

1 for all information resources management for a state agency; ~~and~~  
2 (bb) positions at state institutions of higher education that have been  
3 converted to unclassified positions pursuant to K.S.A. 2014 Supp. 76-  
4 715a, and amendments thereto; and

5 (cc) *notwithstanding the provisions of K.S.A. 22-4524, 32-802, 44-*  
6 *510g, 44-551, 44-552, 48-205, 48-919, 49-402e, 58-4105, 58-4503, 65-*  
7 *2878, 65-6103, 73-1210a, 73-1234, 74-506a, 74-515b, 74-561, 74-569,*  
8 *74-631, 74-1106, 74-1704, 74-1806, 74-2435, 74-2614, 74-2702, 74-*  
9 *2906a, 74-5014, 74-5210, 74-6707, 74-6901, 74-6904, 74-7008, 74-7501,*  
10 *74-8704, 74-8805, 74-9804, 75-118, 75-1202d, 75-2537, 75-2944, 75-*  
11 *3148, 75-3702c, 75-4222, 75-5005, 75-5015, 75-5016, 75-5122, 75-5157,*  
12 *75-5309, 75-5310, 75-5378, 75-5610, 75-5702, 75-5708, 75-5733, 75-*  
13 *5910, 75-7028, 75-7054, 75-7304, 76-1002a, 76-1116, 76-12a04, 76-*  
14 *12a05, 76-12a08, 76-12a16, 76-3202 and 82a-1205 and K.S.A. 2014*  
15 *Supp. 39-1911, and amendments thereto, any vacant position within the*  
16 *classified service may be converted by the appointing authority to an*  
17 *unclassified position.*

18 (2) The classified service comprises all positions now existing or  
19 hereafter created which are not included in the unclassified service.  
20 Appointments in the classified service shall be made according to merit  
21 and fitness from eligible pools which so far as practicable shall be  
22 competitive. No person shall be appointed, promoted, reduced or  
23 discharged as an officer, clerk, employee or laborer in the classified  
24 service in any manner or by any means other than those prescribed in the  
25 Kansas civil service act and the rules adopted in accordance therewith.

26 (3) For positions involving unskilled, or semiskilled duties, the  
27 secretary of administration, as provided by law, shall establish rules and  
28 regulations concerning certifications, appointments, layoffs and  
29 reemployment which may be different from the rules and regulations  
30 established concerning these processes for other positions in the classified  
31 service.

32 (4) Officers authorized by law to make appointments to positions in  
33 the unclassified service, and appointing officers of departments or  
34 institutions whose employees are exempt from the provisions of the  
35 Kansas civil service act because of the constitutional status of such  
36 departments or institutions shall be permitted to make appointments from  
37 appropriate pools of eligibles maintained by the division of personnel  
38 services.

39 (5) *On and after the effective date of this act, any state agency that*  
40 *has positions in the classified service within the Kansas civil service act to*  
41 *satisfy any requirement of maintaining personnel standards on a merit*  
42 *basis pursuant to federal law or the rules and regulations promulgated*  
43 *thereunder by the federal government or any agency thereof, may adopt a*

1 *binding statement of agency policy pursuant to K.S.A. 77-415, and*  
2 *amendments thereto, to satisfy such requirements if the appointing*  
3 *authority has made any such position unclassified.*

4 Sec. 2. K.S.A. 2014 Supp. 75-5541 is hereby amended to read as  
5 follows: 75-5541. (a) Except as otherwise provided by this section, each  
6 classified employee, excluding any such employee who is on temporary  
7 appointment, shall receive a bonus as provided by this section, which shall  
8 be referred to as a longevity bonus, under the terms and conditions and  
9 subject to the limitations prescribed by this section.

10 (b) After June 30, 1989, any such officer or employee who has been  
11 employed by any agency, board or department within any branch of state  
12 government, whether or not the entire period of service is continuous with  
13 the same agency, board or department, shall be eligible to receive a  
14 longevity bonus upon completion of 120 months of state service. Length  
15 of service and service anniversary dates shall be determined pursuant to  
16 rules and regulations adopted by the secretary of administration.

17 (c) The amount of each longevity bonus payment shall be computed  
18 by multiplying \$40 by the number of full years of state service, not to  
19 exceed 25 years, rendered by such officer or employee as of the service  
20 anniversary date within such fiscal year.

21 (d) Each longevity bonus payment shall be included in the employee's  
22 regular pay warrant. The amount of the bonus shall be displayed separately  
23 on the warrant stub or advice.

24 (e) Longevity bonus payments shall be compensation, within the  
25 meaning of K.S.A. 74-4901 et seq., and amendments thereto, for all  
26 purposes under the Kansas public employees retirement system and shall  
27 be subject to applicable deductions for employee contributions  
28 notwithstanding the fact that payments are made annually. Longevity  
29 bonus payments shall be in addition to the regular earnings to which an  
30 officer or employee may become entitled or for which such employee may  
31 become eligible.

32 (f) The purpose of longevity pay is to recognize permanent  
33 employees who have provided experience and faithful long-term service to  
34 the state of Kansas in order to encourage officers and employees to remain  
35 in the service of the state. The provisions of this section shall apply to  
36 fiscal years commencing after June 30, 1989. The amendatory language of  
37 this section shall be construed to confirm that longevity pay is intended,  
38 and has been intended since its enactment, to be a bonus as defined in 29  
39 C.F.R. § 778.208.

40 (g) In accordance with the provisions of K.S.A. 75-3706, and  
41 amendments thereto, the secretary of administration shall adopt rules and  
42 regulations to implement the provisions of this section with respect to  
43 officers and employees in the executive branch of state government.

1 (h) The provisions of this section shall not apply to any state officer  
2 or employee who is employed or re-employed as a state officer or  
3 employee on or after June 15, 2008.

4 ~~[(f) Officers and employees in the executive branch of state~~  
5 ~~government who are eligible to receive a longevity bonus shall receive~~  
6 ~~such bonus in any fiscal year if moneys are appropriated for such fiscal~~  
7 ~~year and provision for such bonus is made by the legislature in an~~  
8 ~~appropriations act.]~~

9 Sec. 3. K.S.A. 75-5549 is hereby amended to read as follows: 75-  
10 5549. The secretary of administration, upon recommendation of the  
11 director of personnel services, is hereby authorized to adopt rules and  
12 regulations as provided by K.S.A. 75-3706, and amendments thereto,  
13 establishing a program for the sharing of leave between employees of the  
14 state of Kansas. Employees authorized to share leave pursuant to such  
15 rules and regulations shall be authorized to donate annual and sick leave to  
16 other state employees who are suffering from, or who have a family  
17 member suffering from, an extraordinary or severe illness, injury,  
18 impairment or physical or mental a life threatening medical condition  
19 which has caused, or is likely to cause, the employee to take leave without  
20 pay or terminate employment. As used in this section "extraordinary or  
21 severe" means serious, extreme or life threatening.

22 Sec. 4. K.S.A. 75-5549 and K.S.A. 2014 Supp. 75-2935 and 75-5541  
23 are hereby repealed.

24 Sec. 5. This act shall take effect and be in force from and after its  
25 publication in the statute book.