

**SENATE BILL No. 471**

By Committee on Ways and Means

2-24

1 AN ACT concerning public employees; relating to hiring and promotion  
2 preferences; providing for a preference for persons with a disability.

3  
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. For purposes of sections 1 and 2, and amendments thereto:

6 (a) "Disability" means a physical or mental impairment that  
7 substantially limits one or more major life activities of an individual.

8 (b) "Major life activities" includes, but is not limited to, the activities  
9 of caring for oneself, performing manual tasks, seeing, hearing, eating,  
10 sleeping, walking, standing, lifting, bending, speaking, breathing, learning,  
11 reading, concentrating, thinking, communicating and working. "Major life  
12 activities" also includes the operation of major bodily functions, including,  
13 but not limited to, the immune system, normal cell growth, digestive  
14 system, bowel, bladder, neurological system, brain, respiratory system,  
15 circulatory system, endocrine system and reproductive system.

16 (c) "Reasonable accommodation" means:

17 (1) Making existing facilities used by employees readily accessible  
18 and usable by individuals with disabilities; and

19 (2) job restructuring, part-time or modified work schedules,  
20 reassignment to a vacant position, acquisition or modification of  
21 equipment or devices, appropriate adjustment or modifications of  
22 examinations, training materials or policies, the provision of qualified  
23 readers or interpreters or other similar accommodations for individuals  
24 with disabilities.

25 (d) "State government" means any department, bureau, division,  
26 board, authority, agency, commission or institution of this state, except the  
27 judicial and legislative branches of state government and political  
28 subdivisions of the state.

29 Sec. 2. (a) Persons with disabilities shall be preferred for employment  
30 and promotion in the state government of Kansas if qualified, with or  
31 without a reasonable accommodation, to meet the performance standards  
32 of the position. In the event that a disabled person meeting the  
33 requirements of this act and a veteran meeting the requirements of the  
34 veteran's preference established by K.S.A. 73-201, and amendments  
35 thereto, apply for the same position, the person having the highest  
36 qualifications meeting the performance standards of the position shall

1 receive the primary preference.

2 (b) State government job opening notices and application forms shall  
3 state that the position is subject to the disability preference and explain  
4 how applicants with disabilities may take advantage of the preference,  
5 including information regarding the documentation of a disability that  
6 must be provided pursuant to subsection (c) and the process that will be  
7 used for selection.

8 (c) An applicant who is a person with a disability shall provide  
9 documentation of the person's disability to the state government hiring  
10 authority when applying for the disability preference by providing a copy  
11 of one of the following documents:

12 (1) Supplemental security income or social security disability  
13 insurance determination letter;

14 (2) letter from a managed care organization or a qualified medical  
15 professional attesting to the disability;

16 (3) home and community-based services waiver approval letter; or

17 (4) vocational rehabilitation letter from a vocational rehabilitation  
18 counselor.

19 (d) The state government hiring authority shall offer an interview to a  
20 person who has applied for an open position for which the person is  
21 qualified, with or without reasonable accommodation, to meet the  
22 performance standards of the position and who has presented proof of  
23 disability as provided in subsection (c).

24 (e) In any reduction in personnel by the state government employer,  
25 employees who are persons with disabilities shall be retained in preference  
26 to all other employees in the same job classification or job title with equal  
27 qualifications, seniority, status and performance reviews.

28 (f) A person with a disability has the right to not disclose that person's  
29 disability at the time of hire but may not assert a right to a retention  
30 preference pursuant to subsection (e) at a later date unless the disability is  
31 disclosed prior to the announcement of a layoff by submission of  
32 documentation as provided in subsection (c). Disclosure may be made to  
33 the state government human resources office where the employee is  
34 employed and shall remain confidential until disclosure is required for the  
35 provision of a reasonable accommodation for the person with a disability  
36 or for emergency preparedness planning.

37 (g) The provisions of sections 1 and 2, and amendments thereto, shall  
38 not apply to positions that are filled by elected officers or vacancies in  
39 such elected offices, personal secretaries of such officers, members of  
40 boards and commissions, persons employed on a temporary basis,  
41 positions held by patients in state institutions, inmates in the custody of the  
42 secretary of corrections, students enrolled at a state educational institution,  
43 heads of departments, positions that require licensure as a physician and

1 positions that require that the employee be admitted to practice law in  
2 Kansas.

3 Sec. 3. This act shall take effect and be in force from and after its  
4 publication in the statute book.