

SESSION OF 2023

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2253

As Amended by House Committee on
Commerce, Labor and Economic Development

Brief*

HB 2253, as amended, would enact Kathy's Bill, a statutory state employment hiring preference for persons with disabilities, and make changes to existing hiring preferences for certain disabled military veterans and surviving spouses.

Kathy's Bill

The bill would enact Kathy's Bill, creating a statutory preference for persons with disabilities in hiring and retention practices for certain state government jobs. For the purposes of the bill, "state government" would not include the judicial or legislative branches nor political subdivisions of the state.

The bill would provide that persons with disabilities, as defined by the bill, be given preference for hiring in state government positions, provided that they meet the qualifications of the position. For the purposes of the bill, meeting the qualifications of a position would be specified as not depending on the need for reasonable accommodation, as defined by the bill.

The bill would require hiring authorities for such positions to offer an interview to persons with disabilities who meet the qualifications of the position. If a situation occurs in which a disabled veteran, surviving spouse of a deceased disabled veteran, or surviving spouse of a prisoner of war

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

applies for the same position, preference would go to the individual with the highest qualifications.

Disabled persons, when applying to such a position, would be required to provide documentation of their disability by submitting a copy of:

- Their Supplemental Security Income or Social Security Disability Insurance determination letter;
- Their Home and Community Based Services waiver approval letter;
- A letter from a managed care organization, qualified medical professional, or vocational rehabilitation counselor;
- U.S. Department of Veterans Affairs Benefits Summary Letter or Form 2055; or
- Military Service Physical Evaluation Board decision document with a finding of unfit for duty.

The bill would require the notice and application form for state government job openings to provide an explanation of the preference and the information required by the applicant for the documentation of a disability.

The bill would also provide that persons with disabilities would be given preference for retention in any reductions in state government personnel, with respect to employees who are equally situated in terms of position, qualifications, and performance.

The bill would specify that persons with disabilities have the right not to disclose their disability at the time of hire, but would not be able to assert the right to preference for retention unless the disability is disclosed in the manner required by the bill prior to the announcement of a reduction of personnel. Disclosure of a disability to a human resources

office would be required to remain confidential until required for provision of reasonable accommodation or for emergency preparedness planning.

The bill would specify that its provisions would not apply to elected officials or their personal secretaries; members of boards or commissions; temporary employees; positions held by patients, inmates, or students in state institutions; or positions requiring credentials to practice as a physician or to practice law in Kansas.

Military Veterans Hiring Preference Changes

The bill also would extend the existing state employment hiring preference for 100.0 percent disabled veterans and unremarried surviving spouses of veterans who died in battle or are prisoners of war to include veterans with a service connected disability of 30.0 percent or greater and remarried surviving spouses of deceased veterans who died in battle or are prisoners of war.

Background

The bill was introduced by the House Committee on Commerce, Labor and Economic Development at the request of a representative of the Disability Rights Center of Kansas and the Self-Advocacy Center of Kansas.

House Committee on Commerce, Labor and Economic Development

In the House Committee hearing, **proponent** testimony was provided by representatives of the Disability Rights Center of Kansas, Kansas Commission for the Deaf and Hard of Hearing, Kansas Council on Developmental Disabilities, Kansas Commission on Disability Concerns, and Self-Advocates of Kansas. The proponents generally stated the bill would promote increased employment opportunities for

individuals with disabilities. Written-only proponent testimony was provided by representative of the Department of Administration and two private citizens.

Neutral testimony was provided by a representative of the Kansas Chapter of the Military Officers Association of America.

Written-only opponent testimony was provided by a representative of the Kansas Association of the Deaf.

The House Committee amended the bill to include changes to the existing state employee hiring preference for disabled military veterans and surviving spouses.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the bill would have no fiscal effect.

Employment preference; Persons with disabilities; Kathy's Law; veterans