

**HOUSE BILL No. 2725**

By Committee on Commerce, Labor and Economic Development

Requested by Requester is Representative Xu on behalf of Rep. Highberger, on behalf of the Kansas Commission on Disability Concerns

2-6

1 AN ACT concerning public employees; relating to the executive branch of  
2 state government; hiring and promotion preferences; providing for a  
3 preference for persons with a disability.  
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. Sections 1 through 3, and amendments thereto, shall be  
7 known and may be cited as Kathy's bill.

8 Sec. 2. For purposes of sections 1 through 3, and amendments  
9 thereto:

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

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

20 (c) "Reasonable accommodation" means:

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

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

29 (d) "State government" means any department, bureau, division,  
30 board, authority, agency, commission or institution of this state, except the  
31 judicial and legislative branches of state government and political  
32 subdivisions of the state.

33 Sec. 3. (a) Persons with disabilities shall be preferred for employment  
34 and promotion in the state government of Kansas if qualified, with or

1 without a reasonable accommodation, to meet the performance standards  
2 of the position. In the event that a person with a disability meeting the  
3 requirements of this act and a veteran meeting the requirements of the  
4 veteran's preference established by K.S.A. 73-201, and amendments  
5 thereto, apply for the same position, the person having the highest  
6 qualifications meeting the performance standards of the position shall  
7 receive the primary preference.

8 (b) State government job opening notices and application forms shall  
9 state that the position is subject to the disability preference and explain  
10 how applicants with disabilities may take advantage of the preference,  
11 including information regarding the documentation of a disability that  
12 shall be provided pursuant to subsection (c) and the process that will be  
13 used for selection.

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

18 (1) Supplemental security income or social security disability  
19 insurance determination letter;

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

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

23 (4) vocational rehabilitation letter from a vocational rehabilitation  
24 counselor.

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

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

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

43 (g) The provisions of sections 1 through 3, and amendments thereto,

1 shall not apply to positions that are filled by elected officers or vacancies  
2 in such elected offices, personal secretaries of such officers, members of  
3 boards and commissions, persons employed on a temporary basis,  
4 positions held by patients in state institutions, inmates in the custody of the  
5 secretary of corrections, students enrolled at a state educational institution,  
6 heads of departments, positions that require licensure as a physician and  
7 positions that require that the employee be admitted to practice law in  
8 Kansas.

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