

## HOUSE BILL No. 2418

By Legislative Post Audit Committee

12-28

1 AN ACT relating to veterans; concerning veterans preference; amending  
2 K.S.A. 2011 Supp. 73-201 and repealing the existing section.

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

5 Section 1. K.S.A. 2011 Supp. 73-201 is hereby amended to read as  
6 follows: 73-201. (a) As used in this act: (1) "Veteran" means:

7 (A) Any person who entered the armed forces before October 15,  
8 1976, and separated from the armed forces under honorable conditions, if  
9 such person served: (i) On active duty during any war (the official dates  
10 for war service are April 6, 1917 through July 2, 1921, and December 7,  
11 1941 through April 28, 1952); (ii) during the period April 28, 1952 through  
12 July 1, 1955; (iii) in any campaign or expedition for which a campaign  
13 badge or service medal has been authorized; or (iv) for more than 180  
14 consecutive days since January 31, 1955, but before October 15, 1976,  
15 excluding an initial period of active duty for training under the "six-  
16 month" reserve or national guard program;

17 (B) any person who entered the armed forces on or after October 15,  
18 1976, and separated from the armed forces under honorable conditions, if  
19 such person was awarded a service medal or campaign badge;

20 (C) any person who separated from the armed forces under honorable  
21 conditions and has a disability certified by the United States department of  
22 veterans affairs as being service connected, has been issued the purple  
23 heart by the United States government or has been released from active  
24 service with a service-connected disability;

25 (D) the spouse of a veteran who has a 100% service connected  
26 disability as determined by the United States department of veteran affairs;

27 (E) the unremarried spouse of a veteran who died while, and as a  
28 result of, serving in armed forces; and

29 (F) the spouse of a prisoner of war, as defined by K.S.A. 75-4364,  
30 and amendments thereto.

31 Notwithstanding the foregoing, the term "veteran" shall not apply to  
32 any person who retired from the active military with the pay grade of O4 or  
33 above unless the person retired due to wounds received in combat or is a  
34 disabled veteran.

35 (2) "Competent" means a good faith determination that the person is  
36 likely to successfully meet the performance standards of the position based

1 on what a reasonable person knowledgeable in the operation of the  
2 position would conclude from all information available at the time the  
3 decision is made. The basis for such determination shall include  
4 experience, training, education, licensure, certification and/or other factors  
5 determined by the decision making authority as appropriate to determine  
6 the applicant's overall qualification and ability to successfully meet the  
7 performance standards of the position. The decision making authority shall  
8 document such factors prior to the initiation of the selection process.

9 (3) "Disabled veteran" means a person who has served on active duty  
10 in the armed forces, has been separated therefrom under honorable  
11 conditions, and has established the present existence of a service-  
12 connected disability or is receiving compensation, disability retirement  
13 benefits, or pension because of a public statute administered by the  
14 department of veterans affairs or a military department.

15 (b) In grateful recognition of the services, sacrifices and sufferings of  
16 veterans who served in the army, navy, air force, coast guard or marine  
17 corps of the United States in world war I and world war II, and of persons  
18 who have served with the armed forces of the United States during the  
19 military, naval and air operations in Korea, Viet Nam, Iraq, Afghanistan or  
20 other places under the flags of the United States and the United Nations or  
21 under the flag of the United States alone, and have been honorably  
22 discharged therefrom, the provisions of this section are enacted.

23 (c) Veterans shall be preferred for initial employment and first  
24 promotion in the state government of Kansas, and in the counties and cities  
25 of this state, if competent to perform such services. Any veteran thus  
26 preferred shall not be disqualified from holding any position in such  
27 service on account of the veteran's age or by reason of any physical or  
28 mental disability as long as such age or disability does not render the  
29 veteran incompetent to perform the duties of the position applied for.  
30 When any veteran shall apply for appointment to any such position, place,  
31 or employment, the officer, board or person whose duty it is or may be to  
32 appoint a person to fill such place shall, if the applicant be a veteran of  
33 good reputation, and can competently perform the duties of the position  
34 applied for by the veteran, consider the veteran for appointment to such  
35 position, place, or employment. Within 30 days of filling a position,  
36 eligible veterans who have applied and are not hired shall be notified by  
37 ~~certified~~ *standard or electronic* mail or personal service that they are not  
38 being hired. Such notice also shall advise the veteran of any administrative  
39 appeal available.

40 (d) The provisions of this act shall not be applicable to any persons  
41 classed as conscientious objectors. The provisions of this act shall not be  
42 controlling over the provisions of any statute, county resolution or city  
43 ordinance relating to retirement, or termination on the basis of age, of

1 employees of the state or any county or city. Whenever under any statute,  
2 county resolution or city ordinance retirement, or termination on the basis  
3 of age, of any employee is required at a certain age, or is optional with the  
4 employer at a certain age, such provisions of such statute, resolution or  
5 ordinance shall be controlling and shall not be limited by this section.

6 (e) All notices of job openings, if any, and all applications for  
7 employment, if any, by the state and any city or county in this state shall  
8 state that the job is subject to a veteran's preference, how the preference  
9 works and how veterans may take advantage of the preference and post a  
10 written statement of: (1) The qualifications for such position; (2) any  
11 preferred qualifications of such position; (3) performance standards for the  
12 position; and (4) the process that will be used for selection. A veteran, or a  
13 spouse who qualifies for the veteran's preference, desiring to use a  
14 veteran's preference shall provide the hiring authority with a copy of the  
15 veteran's DD214 form or the DD214 form of the veteran under which the  
16 spouse qualifies for the preference.

17 (f) Every employment center of the state and any city or county  
18 human resources department, if any, shall openly display documents that  
19 indicate that veterans are eligible for a preference in their initial  
20 employment and any first promotion within the employment of the  
21 governmental entity.

22 (g) Any veteran who alleges that a state agency, city or county has not  
23 provided the veterans preference as required by this act, after exhausting  
24 any available administrative remedy, may bring an action in the district  
25 court.

26 Sec. 2. K.S.A. 2011 Supp. 73-201 is hereby repealed.

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