

2012 Kansas Statutes

73-1210a. Officers and employees of commission; appointment; fingerprinting and criminal background check; powers, duties and functions; rights and benefits preserved. (a) Except as otherwise provided by law, and subject to the Kansas civil service act, the executive director of the Kansas commission on veterans affairs shall appoint such subordinate officers and employees, subject to the approval of the commission, as are necessary to enable the commission to exercise or perform its functions, powers and duties pursuant to the provisions of article 12 of chapter 73 of Kansas Statutes Annotated, and amendments thereto.

(b) Upon the commencement of the interview process, every candidate for a position in a Kansas commission on veterans affairs office that interviews claimants and provides information advice and counseling to veterans, surviving spouses, their dependents concerning compensation, pension, education, vocational rehabilitation, insurance, hospitalization, outpatient care, home loans, housing, tax exemptions, burial benefits and other benefits to which they may be entitled, or any other sensitive position, as determined by the executive director shall be given a written notice that a criminal history records check is required. The Kansas commission on veterans affairs shall require such candidates to be fingerprinted and submit to a state and national criminal history record check. The fingerprints shall be used to identify the candidate and to determine whether the candidate has a record of criminal history in this state or another jurisdiction. The Kansas commission on veterans affairs shall submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. Local and state law enforcement officers and agencies shall assist the Kansas commission on veterans affairs in taking and processing of fingerprints of candidates. If the criminal history record information reveals any conviction of crimes of dishonesty or violence, such conviction may be used to disqualify a candidate for any position within the Kansas commission on veterans affairs. If the criminal history record information is used to disqualify a candidate, the candidate shall be informed in writing of that decision.

(c) Persons employed by the Kansas soldiers' home and Kansas veterans' home shall be excluded from the provisions of subsection (b). No person who has been employed by the Kansas commission on veterans affairs for five consecutive years immediately prior to the effective date of this act shall be subject to the provisions of subsection (b) while employed by the Kansas commission on veterans affairs.

(d) All such subordinate officers and employees shall be within the classified service under the Kansas civil service act, shall perform such duties and exercise such powers as the Kansas commission on veterans affairs and the executive director of the commission may prescribe and such duties and powers as are designated by law, and shall act for and exercise the powers of the commission and the executive director to the extent authority to do so is delegated by such commission or director.

(e) Except as otherwise provided by law, and subject to the Kansas civil service act, the executive director of the Kansas commission on veterans affairs shall appoint such subordinate officers and employees, subject to the approval of the Kansas commission on veterans affairs, as shall be necessary to enable the commission to exercise or perform its functions, powers and duties pursuant to the provisions of article 19 of chapter 76 of Kansas Statutes Annotated, and amendments thereto. All such subordinate officers and employees shall be within the classified service under the Kansas civil service act, shall perform such duties and exercise such powers as the commission, the executive director of the commission, the superintendent of the Kansas soldiers' home and the superintendent of the Kansas veterans' home may prescribe and such duties and powers as are designated by law, and shall act for and exercise the powers of the commission, the executive director of the commission, the superintendent of the Kansas soldiers' home and the superintendent of the Kansas veterans' home to the extent authority to do so is delegated by such commission, executive director or superintendent.

(f) Any veterans service representative appointed by the executive director of the Kansas commission on veterans affairs shall be an honorably discharged veteran or retired from the United States armed forces. No veterans service representative of the Kansas commission on veterans affairs shall take a power of attorney in the name of the Kansas commission on veterans affairs. Nothing in this act shall be construed to prohibit any such veterans service representative from assisting any veteran with any claim in which a power of attorney is not required.

Nothing in this subsection shall be construed to affect the status, rights or benefits of any officer or employee of the Kansas commission on veterans affairs employed by such commission on the effective date of this act.

For the purpose of this subsection, "veterans service representative" means any officer or employee appointed pursuant to this section whose primary duties include:

(1) Assisting veterans and their dependents in securing benefits from the federal government and the state of Kansas.

(2) Providing information and assistance to veterans and dependents in obtaining special services and benefits based on knowledge of federal and state laws, policies and regulations pertaining to veterans benefits and services.

(3) Providing assistance to veterans service organizations participating in the veterans claims assistance program.

(g) Nothing in this act shall be construed to affect the status, rights or benefits of any officer or employee of the Kansas veterans' commission employed by such commission on the effective date of this act.

History: L. 1986, ch. 278, § 5; L. 1997, ch. 28, § 1; L. 1998, ch. 150, § 1; L. 2007, ch. 43, § 1; L. 2008, ch. 99, § 5; July 1.