

As Amended by House Committee

Session of 2021

HOUSE BILL No. 2443

By Committee on Appropriations

3-18

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

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

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

7 ~~Section 1.~~**Sec. 2.** For purposes of sections 1 ~~and 2~~ **through 3,** and
8 amendments thereto:

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

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

19 (c) "Reasonable accommodation" means:

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

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

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

32 ~~Sec.—2.~~ **3.** (a) Persons with disabilities shall be preferred for
33 employment and promotion in the state government of Kansas if qualified,
34 with or without a reasonable accommodation, to meet the performance
35 standards of the position. In the event that a disabled person meeting the
36 requirements of this act and a veteran meeting the requirements of the

1 veteran's preference established by K.S.A. 73-201, and amendments
2 thereto, apply for the same position, the person having the highest
3 qualifications meeting the performance standards of the position shall
4 receive the primary preference.

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

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

15 (1) Supplemental security income or social security disability
16 insurance determination letter;

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

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

20 (4) vocational rehabilitation letter from a vocational rehabilitation
21 counselor.

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

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

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

40 (g) The provisions of sections ~~1 and 2~~ **through 3**, and amendments
41 thereto, shall not apply to positions that are filled by elected officers or
42 vacancies in such elected offices, personal secretaries of such officers,
43 members of boards and commissions, persons employed on a temporary

1 basis, positions held by patients in state institutions, inmates in the custody
2 of the secretary of corrections, students enrolled at a state educational
3 institution, heads of departments, positions that require licensure as a
4 physician and positions that require that the employee be admitted to
5 practice law in Kansas.

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