

March 5, 2013

The Honorable Marc Rhoades, Chairperson
House Committee on Appropriations
Statehouse, Room 111-N
Topeka, Kansas 66612

Dear Representative Rhoades:

SUBJECT: Fiscal Note for HB 2384 by House Committee on Appropriations

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2384 is respectfully submitted to your committee.

The civil service of state government is divided into the unclassified and classified services. HB 2384 amends current law regarding employment of persons in the classified and unclassified service. First, the bill directs that supervisors carrying out the program for helping the elderly and disabled in maintaining and repairing their homes for the Department for Children and Families to be in the unclassified service. Currently they are in the classified service. In the Department of Revenue, supervisors of driver's license examiners would be changed to the unclassified service. The Director of the Office of Laboratory Services in the Department of Health and Environment would also be converted to the unclassified service.

Attorneys for any board, commission and department are currently designated in the unclassified service. HB 2384 would clarify that attorneys who are employed by any state agency would be in the unclassified service. The bill strikes reference to civil service examination monitors which no longer exist. Under the bill, any position that performs information technology functions for a state agency would be in the unclassified service, as would any position with direct supervisory responsibilities for subordinate staff at a state agency, except for positions in the Department of Corrections, the Adjutant General, Kansas Highway Patrol, and the Kansas Bureau of Investigation.

HB 2384 would direct that newly hired positions, including any employee who is rehired, any current state employee who transfers into, or is promoted or demoted into a different position on and after July 1, 2013, in any state agency would be in the unclassified service, except for employees in the Department of Corrections, the Adjutant General, Kansas Highway Patrol, and the Kansas Bureau of Investigation.

The bill would convert classified employees in the following positions to the unclassified service on July 1, 2013:

1. Any attorney for any state agency;
2. Any position with direct supervisory responsibilities for subordinate staff at any state agency; and
3. Any position that performs information technology functions for any state agency.

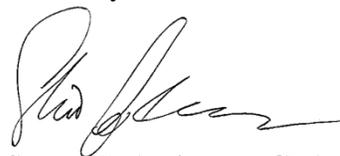
The bill exempts specific employees in the Department of Labor's unemployment benefits division from this conversion when that conversion would violate federal law, and classified employees in the Department of Corrections, the Adjutant General, the Kansas Highway Patrol, and the Kansas Bureau of Investigation.

Current law allows persons appointed as an acting state officer who are classified to retain the right to return to permanent classified status without the loss of any civil service rights. HB 2384 strikes this provision. The appointing authority for each affected agency must inform employees of any conversion by June 1, 2013. Finally, the bill would take effect upon its publication in the *Kansas Register*.

Converting employees from the classified to the unclassified service in and of itself would not have a fiscal effect, except that persons in the unclassified service under the Governor's appointing authority are not eligible for the longevity bonus payment provided in current law. Human resources staff and agency management staff would be required by HB 2384 to identify positions affected by the bill, notifying those employees of the conversion and making changes within the state's payroll system to implement the changes. The exact amount of staff time required to accomplish this task is not known, but would not affect the delivery of services or cause the agencies to incur additional expenses.

The provisions of the bill would have no direct long-term fiscal effect on the state, but if certain provisions of the bill are challenged, there could be some unknown amount of time and expense incurred responding to the challenges. Any fiscal effect associated with HB 2384 is not reflected in *The FY 2014 Governor's Budget Report*.

Sincerely,



Steven J. Anderson, CPA, MBA
Director of the Budget