

SESSION OF 2013

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2384

As Amended by House Committee on
Appropriations

Brief*

HB 2384, as amended, would direct that newly hired positions, including any employee who is rehired and 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, 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:

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

The bill would exempt classified employees in the Department of Corrections, Adjutant General, Kansas Highway Patrol, and Kansas Bureau of Investigation. The bill, as amended, also would allow any state agency to adopt a binding policy statement for merit-based promotions rather than unclassified service to comply with federal law or regulation.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Current law allows a person appointed as an acting state officer who is classified to retain the right to return to permanent classified status without the loss of any civil service rights, and the bill would strike this provision. The appointing authority for each affected agency would inform employees of any conversion by June 1, 2013.

The bill would be in effect upon publication in the *Kansas Register*.

Background

The bill had no proponents.

A representative of the American Federation of Teachers, Kansas, (AFT) testified in opposition to the bill. The AFT provided a background on merit-based personnel systems in Kansas indicating that Kansas has a long history with merit-based systems and that they are necessary to limit the degree of political influence in the hiring and firing of state employees. The AFT also indicated the systems are necessary to receive certain federal funds and participate in certain intergovernmental programs. A representative of the Kansas Organization of State Employees (KOSE) offered testimony in opposition to the bill, indicating that classified service was necessary to retain and maintain a qualified workforce.

The House Appropriations Committee amended the bill to delete the provision specific to the Department of Labor and to grant the agencies the authority to adopt binding statements of policy to comply with federal law or regulation. The Committee also amended the bill to make the deletion of the right of return effective on or after July 1, 2013, rather than upon publication in the *Kansas Register*.

The fiscal note prepared by the Division of the Budget indicates that:

- Converting employees from the classified to the unclassified service 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 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; and
- 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.