

Administrative and Support Services

Consequences of Not Funding this Program

Lack of oversight for the Kansas Department of Labor. May create a loss of revenue from unemployment insurance and workers compensation assessments or mismanagement of funds, lack of clarity and inadequate information processing systems.

Statutory Basis	Mandatory vs. Discretionary	MOE/Match Rqt.	Priority Level
Specific K.S.A. 75-5701 through 75-5740	Discretionary	No	6

Program Goals

- A. The Administrative and support services are responsible for providing support to program staff to ensure KDOL fulfills its mission.
- B. The Kansas Department of Labor provides workers and employers with information and services that are accurate and timely, efficient and effective, fair and impartial. Administered by employees that understand the value and importance of public service to their fellow Kansans.

Program History

The Kansas Department of Labor was created by Executive Order No. 31 of 2004. The Legislature enacted the change to implement the order and it became effective on July 1, 2004. The order renamed the Department of Human Resources to the Kansas Department of Labor and transferred the Division of Employment and Training to the Department of Commerce and transferred the Kansas Advisory Commission on Hispanic/Latino Affairs and the Kansas African American Affairs Commission to the Department of Administration. In July 2005, America's Job Link Alliance - Technical Services (AJLA-TS) was also transferred to the Department of Commerce to be more in line with workforce development and the Employment and Training programs.

The law establishing the agency is sections 75-5701 through 75-5740 of Kansas Statutes Annotated. The Department administers the Kansas Employment Security Law, K.S.A. 44-701, et seq.; the Workers Compensation Act, K.S.A. 44-501, et seq.; the Wage Payment Act K.S.A. 44-313, et seq.; Minimum Wage and Maximum Hours Act, K.S.A. 44-1201, et seq.; Child Labor Act, K.S.A. 38-601, et seq.; private employment agencies, K.S.A. 44-401, et seq.; labor relations, K.S.A. 44-801, et seq.; Public Employer-Employee Relations Act, K.S.A. 75-4321, et seq.; Professional Negotiations Act, K.S.A. 72-5413, et seq.; Kansas Amusement Ride Act, K.S.A. 44-1601, et seq.; several statutes concerning inspections and safety at work sites including K.S.A. 44-631, 44-634, 44-636 through 44-638; providing consultation to further 2012 Senate Bill 155; and the human trafficking advisory board, K.S.A. 75-757.

The Department receives a large amount of federal funding, and must comply with federal laws, including Titles III and IX of the Social Security Act, the Federal Unemployment Tax Act (FUTA), Families First Coronavirus Response Act, specifically Division D, the Emergency Unemployment Insurance Stabilization and Access Act of 2020, and Title II, Subtitle A of the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020, as amended. The Department also receives federal funds from the Occupational Safety and Health Administration to administer the federal 21(d) workplace safety consultation program and from USDOL to fund certain Bureau of Labor Statistics programs.

Performance Measures

Outcome Measures	Goal	FY 2019	FY 2020	FY 2021	3- yr. Avg.	FY 2022	FY 2023
N/A							
Output Measures							
N/A							

Funding

Funding Source	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
State General Fund	\$ 239,589	\$ 169,439	\$ 388,012	\$ 937,116	\$ 13,267,024	\$ 3,796,550
Non-SGF State Funds	4,773,722	4,878,274	6,453,420	5,573,880	11,340,206	20,557,441
Federal Funds	8,494,346	7,854,762	6,775,179	9,978,281	22,469,657	16,123,010
Total	\$ 13,507,657	\$ 12,902,475	\$ 13,616,611	\$ 16,489,277	\$ 47,076,887	\$ 40,477,001

Unemployment Insurance

Consequences of Not Funding this Program

Lack of supervision of the unemployment insurance program could result in fraud, waste and abuse of the program. The new hires database would not be up to date. Unemployment insurance documents would not be processed. Claimant unemployment applications would not be processed. Unemployment Insurance would not be adequately funded.

Statutory Basis	Mandatory vs. Discretionary	MOE/Match Rqt.	Priority Level
Specific K.S.A. 44-701 et seq.	Mandatory	No	1

Program Goals

- A. To continue to improve and enhance the levels of customer service provided to Kansas employers and workers who interact with the agency
- B. To continue to build upon recent successes in meeting and exceeding federally mandated program performance standards.
- C. To continue to work with the Office of Information Technology Services to make incremental improvement in the existing technology platforms that support the unemployment system in Kansas.

Program History

The Division of Unemployment Insurance ("UI") is tasked with administering the Kansas Employment Security Law, K.S.A. 44-701 et seq. The stated public policy of the employment security law is to help alleviate the impact of economic insecurity for those Kansas workers who find themselves involuntarily unemployed.

The UI program is based upon federal law, but administered by state employees under state law. Because of this structure, the program is unique among the country's social insurance programs. UI is also unique in that it is almost totally funded by employer taxes, either federal or state.

Federal law defines certain requirements for the program. The Social Security Act ("SSA") and the Federal Unemployment Tax Act ("FUTA") set forth broad coverage provisions, some benefit provisions, the federal tax base and rate, and administrative requirements.

Performance Measures

Outcome Measures	Goal	FY 2019	FY 2020	FY 2021	3- yr. Avg.	FY 2022	FY 2023
1. Percent of intrastate claimants to be issued first payments within 14 days	A & B	88.7%	79.3%	72.8%	80.3%	80.0%	87.0%
2. Percent of intrastate non-separation nonmonetary determinations issued within 21 days from the date that benefit eligibility issues are first detected.	A & B	86.2%	61.7%	68.0%	72.0%	75.0%	80.0%
3. Percent of all employers audited within the year	A	1.4%	0.9%	0.4%	0.9%	1.0%	1.2%

Output Measures

4. Hourly cost per initial claim filed for benefits.	A	\$ 16.45	\$ 14.96	\$ 15.03	\$ 15.48	\$ 111.46	\$ 102.26
5. Number of weeks claimed filed for benefits.	A	470,492	1,670,382	2,294,740	1,478,538	731,326	569,722

Additional Measures as Necessary

6. Number of weekly claims filed via telephone utilizing the voice response system and via the internet.	A	465,787	1,653,678	2,271,793	1,463,753	724,013	564,025
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Funding

Funding Source	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
State General Fund	\$ 376	\$ 1,455	\$ 646	\$ 862	\$ 3,856,343	\$ 4,086,264
Non-SGF State Funds	(25,560)	1,083,340	146,463	(14,607)	-	-
Federal Funds	175,185,587	149,471,353	1,324,623,779	1,916,854,099	237,790,639	166,676,674
Total	\$ 175,160,403	\$ 150,556,148	\$ 1,324,770,888	\$ 1,916,840,354	\$ 241,646,982	\$ 170,762,938

Worker's Compensation

Consequences of Not Funding this Program

Lack of funding would result in fraud, waste and abuse of the program.
 Worker's Compensation Professionals would have to find other educational services.

Statutory Basis	Mandatory vs. Discretionary	MOE/Match Rqt.	Priority Level
Specific K.S.A. 44-501 et seq	Mandatory	No	2

Program Goals

- A. Provide a statewide judicial sytem for workers compensation claims that operates in a fair and efficient manner.
- B. Establishment and publication of a medical fee schedule for care involving injured workers.
- C. Regulatory oversight, including employer compliance with mandatory workers compensation insurance coverage, self-insurance permitting, and insurer accident prevention programs.

Program History

The role of the Division of Workers Compensation (hereafter, the Division) in the overall operations of the Kansas Department of Labor is to administer and enforce the provisions of the Kansas Workers Compensation Act, K.S.A. 44-501 et seq. The Division of Workers Compensation's primary functions under the Act include: 1) Administration of a statewide administrative judicial system for adjudication of workers compensation claims; 2) Regulatory oversight, including employer compliance with mandatory workers compensation insurance coverage, self-insurance permitting, and insurer accident prevention programs; 3) Maintenance of records and statistics for the Division's units and courts; 4) Establishment and publication of a medical fee schedule for care involving injured workers; and 5) The investigation and prosecution of fraudulent and abusive conduct. The Division has offices in Topeka, Wichita, Lenexa, Salina and Garden City. In 2013 the Division moved to new court offices in Wichita and Overland Park. These new offices include hearing rooms for the workers compensation appeals board to hear appeals in those locations in addition to hearing appeals in Topeka. The Kansas Workers Compensation Act, K.S.A. 44 501 et. Seq. is self contained, no fault legislation which requires most employers operating in Kansas to provide benefits in the form of wage replacement, medical treatment and compensation for permanent injury to employees who suffer injury or occupational disease arising out of and in the course of employment. Workers compensation laws grew in the United States as a result of the Industrial Revolution and the subsequent movement of society from rural agrarian to urban industrial. In the first part of the twentieth century, individual state legislatures began adopting different workers compensation programs with different coverage and benefit requirements. Workers compensation laws remain products of state legislatures.

The first Kansas Workers Compensation Act was passed in 1911 and withstood immediate constitutional challenge. Originally, the law applied only to hazardous types of employment which were specifically listed in the law. Any employer or employee affected by the law could elect not to be covered under the law. The maximum weekly benefits were specifically set and could only change through legislative amendment. Medical compensation was limited to a certain dollar amount. Major changes to the Workers Compensation Act were made July 1, 1974. Generally, all employments with an annual payroll of \$10,000 or more in any calendar year were now covered by the Act. Employers could not elect out of coverage. Only employees owning 10 percent or more of the corporate stock of their corporate employer could elect out of coverage. Those employers not covered by the Act could elect to come under the Act and self-employed individuals could elect to cover themselves as employees. Agricultural pursuits were specifically exempted from coverage under the Act. In addition to greatly broadening coverage in 1974, the legislature provided for a fluctuating maximum weekly benefit tied to the state's average weekly wage. The maximum weekly benefit equaled two thirds of the state's average weekly wage and would be recalculated annually on July 1. Once the injury occurred, the maximum weekly benefit would not fluctuate but would be set at the rate in effect at the time of injury. The total amount of money to be paid for any disability under the Act was \$50,000. The dollar limit on medical compensation was removed and injured workers were entitled to unlimited medical treatment to cure and relieve the worker from the effects of the injury. In 1976, the Division of Workers Compensation became a Division of the Kansas Department of Human Resources (K.S.A. 75-5708). On July 1, 1979, the maximum weekly benefit was increased to 75 percent of the state's average weekly wage and the maximum salary indemnity for temporary total and permanent partial whole body disabilities was increased to \$75,000. The maximum caps for permanent total disabilities and death benefits were amended to \$100,000.

On July 1, 1987, the Kansas Workers Compensation Act was amended to encourage the greater utilization of vocational rehabilitation. A successful return to employment and the earning of comparable wages would limit claimant's recovery for permanent partial disability to the actual percentage of physical functional loss. The maximum caps for temporary total and permanent partial whole body disabilities increased to \$100,000; permanent total disability increased to \$125,000; and, death benefits increased to \$200,000. Businesses with payroll generally under \$20,000 were exempted from workers compensation. On July 1, 1990, the Act was amended mandating the Director prepare and adopt rules and regulations which establish a fee schedule, establishing the maximum fees for medical service, including vocational rehabilitation and any other treatment or services provided or ordered by health care providers to employers under the Act. The law provides for an eight member advisory panel to assist the Director in establishing the schedule or schedules and providing a bi-annual review of the fee schedule. On July 1, 1993, the Act underwent major reform mandating implementation of new programs, including establishment of an ombudsmen program; a benefit review program; a workers compensation appeals board to review decisions of the administrative law judges; an accident prevention and safety services program; as well as a system to monitor, report and investigate fraud or abuse; to prosecute and hold hearings on claims of fraud or abuse; to actively distribute educational and informational material about the Act; and to compile and maintain a database of information on claim characteristics and costs related to open and closed claims (1993 Session Laws, Chapter 286).

On July 1, 2000, the death benefit in the workers compensation act was increased from \$200,000 to \$250,000 with an initial \$40,000 immediate lump sum payment and the surviving spouse remarriage provisions were amended so that such spouse receives benefits until the maximum payout limit is reached. A minimum weekly payment provision was also inserted into the death benefit statute. Effective July 1, 2000 a new post-award medical treatment procedure was implemented. In addition, the medical bill dispute provisions of the workers compensation act were amended to streamline and simplify the procedure while at the same time incorporating the existing utilization and peer review procedures into the process.

The 2006 legislative changes included a change in the way administrative law judges are hired and evaluated. The change created an Administrative Law Judge Nominating and Review Committee made up of one representative each from the AFL/CIO and Chamber of Commerce. Newly appointed judges are in the "unclassified" state civil service and judges are appointed for four year terms with the possibility of reappointment if recommended by the Nominating Review Committee and approved by the Secretary of Labor. In 2013, further legislation did away with the equal representation by labor and the chamber and created a seven member Workers Compensation and Employment Security Boards Nominating Committee to submit candidates for open ALJ positions and open Workers Compensation Appeals Board positions. The Secretary of Labor may appoint the Committee's nominee or reject the nominee and request the Committee send a new name. The Committee also considers requests for reappointment to these positions

The Workers Compensation Act was changed significantly by the 2011 legislature and the legislation went into effect on May 15, 2011. The changes were comprehensive and made it more difficult for injured workers to meet the burden of proof to show a compensable injury. The changes included a 'prevailing factor' test to make an injury compensable and established a minimum threshold requirement to obtain a work disability. The changes also created a rebuttable presumption that, upon a positive drug or alcohol test, the injured worker would be considered impaired and that the impairment contributed to the injury. Other changes made it easier to get a case dismissed and to terminate future medical treatment. The changes did eliminate the requirement for a worker to give written claim to the employer, but shortened notice requirements and made them firm cutoff dates. Prior to the 2011 changes an injured worker was entitled to benefits if he could show the work related accident caused his/her injury, or aggravated, accelerated or intensified a preexisting condition. Now an injured worker must prove an accident was the 'prevailing factor' (primary factor above all others) in causing an injury in order to have a compensable claim. This new test makes it much more difficult to prove causation, especially for any type of injury, aggravation or acceleration of a preexisting condition. To qualify for work disability, which is an enhanced disability benefit based on the average of a wage loss and task loss, an injured worker must now have to show in excess of a 7.5% functional impairment to the body as a whole (10% if there is a preexisting impairment) and that they sustained a minimum 10% wage loss. The calculation for wage loss was changed as a result of a 2009 decision in the Bergstrom case which interpreted the prior language of the statute literally and looked strictly at the preinjury wage and the post injury wage. If the injured worker had no post injury wage, the wage loss was 100%. The new law said you now look at the preinjury wage and the wage the injured worker is capable of earning post injury. The new changes did clarify that injuries to the same bilateral extremities (i.e. both arms or both legs) would be considered body as a whole injuries. This change occurred as a result of the Supreme Court's decision in Casco which found injuries to bilateral extremities were separate scheduled injuries.

In 2007 a provision was added to the law to allow employers to seek dismissal of a case for lack of prosecution if the case was not settled or had not gone to regular hearing within five years. In the 2011 changes the time for seeking dismissal decreased to three years. An injured worker must file a motion requesting an extension before the three year time from filing an application for hearing runs. The Supreme Court found in Glazier that the ALJ has no discretion but to dismiss the case. Prior to 2011, medical benefits for injured workers could be left open indefinitely unless the injured worker gave up that right. Now in order for the worker to receive future medical benefits, they have to show that it is more probable than not that future medical treatment will be required as a result of the work injury. Additionally, if future medical benefits are left open, the employer can request they be terminated if not used within two years.

Prior to 2011, the Fourth Edition of the AMA Guides to the Evaluation of Permanent Impairment was being used. In 2011, when the major changes were made, the legislature kept the Fourth Edition. However, in 2013, the legislature changed the Act to require ratings be based on the Sixth Edition of the guides for accidents occurring on or after January 1, 2014. The Sixth Edition of the guides approached impairment ratings differently than the Fourth Edition. In the recent case of Johnson v. U. S. Foods the constitutionality of the use of the Sixth Edition of the guides was challenged as ratings generally seemed to be lower than in the Fourth Edition. The Supreme Court determined, at least for non-scheduled injuries, that the key language in the statute referenced 'competent medical evidence' and the language 'based on the Sixth Edition of the American Medical Association Guides to Evaluation of Permanent Impairment' did not mean the use of the Sixth Edition was mandatory, just that it was a guide to be used as a starting point to determine a rating.

Performance Measures

<i>Outcome Measures</i>	<i>Goal</i>	<i>FY 2019</i>	<i>FY 2020</i>	<i>FY 2021</i>	<i>3- yr. Avg.</i>	<i>FY 2022</i>	<i>FY 2023</i>
1. Average number of days from initial report of fraud or abuse to investigation completion	C	343	411	181	311.67	274	274
2. Hourly cost per case investigated for fraudulent or abusive acts that closed within the fiscal year	C	\$ 139.20	\$ 229.88	\$ 390.46	\$ 253.18	\$ 222.75	\$ 162.03
3. Number of employers contact about missing workers compensation insurance coverage during the fiscal year	C	86	76	438	200	228	170
<i>Output Measures</i>							
4. Average number of days between the time an application for benefits is filed and the time an award is issued (for all claims issued an award during the fiscal year).	A	1,281	1,027	940	1,083	1,024	1,024
5. Number of preliminary hearings held during the fiscal year.	A	1,062	973	1,113	1,049	1,003	977

Funding

<i>Funding Source</i>	<i>FY 2018</i>	<i>FY 2019</i>	<i>FY 2020</i>	<i>FY 2021</i>	<i>FY 2022</i>	<i>FY 2023</i>
State General Fund	\$ -	\$ -	\$ -	\$ -	\$ 160,500	\$ 160,651
Non-SGF State Funds	11,919,460	10,744,716	7,460,123	7,274,634	7,977,917	8,144,676
Federal Funds	-	-	-	-	-	-
Total	\$ 11,919,460	\$ 10,744,716	\$ 7,460,123	\$ 7,274,634	\$ 8,138,417	\$ 8,305,327

Industrial Safety and Health

Consequences of Not Funding this Program

The private industry would not have OSHA consultation services and would result in increased work related injuries. Educational information supplied by the department would not be up to date. Investigations would not be completed and inspections would not take place.

Statutory Basis	Mandatory vs. Discretionary	MOE/Match Rqt.	Priority Level
Specific 21(d) Consultation	Mandatory	Yes	3
Specific K.S.A. 44-1601 et seq.	Mandatory	No	3

Program Goals

- A. To assist and encourage employers in their efforts to assure safe and healthful workplaces in Kansas.
- B. To maintain the availability of on-site consultation services pursuant to the federal contract.
- C. To encourage employers to develop, use and maintain workplace safety and health plans related to the nature of the employment.
- D. To review maintenance, operations, and qualifications of inspections conducted by a third party in accordance with the Kansas Amusement Ride Act, K.S.A. 44-1601 et seq.

Program History

The Kansas Department of Labor was created by Executive Order No. 31 of 2004. The Legislature enacted the change to implement the order and it became effective on July 1, 2004. The order renamed the Department of Human Resources to the Kansas Department of Labor and transferred the Division of Employment and Training to the Department of Commerce and transferred the Kansas Advisory Commission on Hispanic/Latino Affairs and the Kansas African American Affairs Commission to the Department of Administration. In July 2005, America's Job Link Alliance - Technical Services (AJLA-TS) was also transferred to the Department of Commerce to be more in line with workforce development and the Employment and Training programs.

The law establishing the agency is sections 75-5701 through 75-5740 of Kansas Statutes Annotated. The Department administers the Kansas Employment Security Law, K.S.A. 44-701, et seq.; the Workers Compensation Act, K.S.A. 44-501, et seq.; the Wage Payment Act K.S.A. 44-313, et seq.; Minimum Wage and Maximum Hours Act, K.S.A. 44-1201, et seq.; Child Labor Act, K.S.A. 38-601, et seq.; private employment agencies, K.S.A. 44-401, et seq.; labor relations, K.S.A. 44-801, et seq.; Public Employer-Employee Relations Act, K.S.A. 75-4321, et seq.; Professional Negotiations Act, K.S.A. 72-5413, et seq.; Kansas Amusement Ride Act, K.S.A. 44-1601, et seq.; several statutes concerning inspection and safety at work sites including K.S.A. 44-631, 44-634, 44-636 through 44-638; providing consultation to further 2012 Senate Bill 155; and the human trafficking advisory board, K.S.A. 75-757.

The Department receives a large amount of federal funding, and must comply with federal laws, including Titles III and IX of the Social Security Act and the Federal Unemployment Tax Act (FUTA). The Department also receives federal funds from the Occupational Safety and Health Administration to administer the federal 21(d) workplace safety consultation program and from USDOL to fund certain Bureau of Labor Statistics programs.

The Kansas 21(d) Consultation Program is partially funded by a federal grant. During FY 2021, 304 safety and health consultations were conducted for businesses in Kansas, identifying 657 serious, 5 other-than-serious safety and health hazards, and 274 hazards abated on-site by the employers with the consultant's recommendations. Hazards identified are in a variety of industries including construction, oil and gas, manufacturing facilities, and grain handling facilities. The consultation visits are complex in nature and require the consultants to identify and classify safety and health hazards and give clients appropriate abatement assistance to eliminate the hazards. In addition to the consultations, 28 presentations and training sessions were provided to employers throughout the year.

House Sub SB70 was signed in to law on April 24, 2017. Portions were repealed and replaced with House Sub SB86. The Amusement Ride Safety unit is responsible for registering amusement ride entities, issuing amusement ride permits, and conducting compliance audits. In FY 2021 the amusement ride unit conducted 76 compliance audits of amusement ride entities operating in Kansas.

Performance Measures

Outcome Measures	Goal	FY 2019	FY 2020	FY 2021	3-yr. Avg.	FY 2022	FY 2023
1. Percent of Consultation Requests that were Performed Under the Federal Consultation Contract.	A	100%	100%	100%	100%	100%	100%
2. Percent of Serious Hazards Identified that Have Been Corrected.	B	100%	100%	100%	100%	100%	100%
3. Percent of serious hazards abated	B	100%	90.0%	100%	97%	100%	100%

Output Measures

4. Cost per Consultation Performed Under the Federal Contract.	A	\$ 3,961.34	\$ 3,702.84	\$ 3,437.76	\$ 3,700.65	\$ 3,581.76	\$ 3,676.82
5. Number of Serious or Imminent Hazards Identified (Federal).	B	639	560	657	618.67	600	600
6. Number of Educational Seminars, Program Assistance & Presentations Performed.	C	44	36	28	36	30	30
7. Number of Projected Permits Issued.	D	128	112	129	123	125	125
8. Number of Project Amusement Ride Audits Conducted.	D	68	76	87	77	80	80

Funding

Funding Source	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
State General Fund	\$ 155,358	\$ 193,836	\$ 235,656	\$ 260,289	\$ 270,731	\$ 257,985
Non-SGF State Funds	844,971	917,841	870,456	713,144	847,011	867,534
Federal Funds	732,965	754,027	711,741	780,876	774,526	778,046
Total	\$ 1,733,294	\$ 1,865,704	\$ 1,817,853	\$ 1,754,309	\$ 1,892,268	\$ 1,903,565

Labor Market Information

Consequences of Not Funding this Program

No data would be available regarding the tatus of the labor force and economy.

Statutory Basis	Mandatory vs. Discretionary	MOE/Match Rqt.	Priority Level
General	Discretionary	No	4

Program Goals

A. provide accurate and timely labor market infomrration in response to user requests, and disseminate data using appropriate media.

Program History

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Performance Measures

<i>Outcome Measures</i>	Goal	FY 2019	FY 2020	FY 2021	3- yr. Avg.	FY 2022	FY 2023
1. Percent of requests processed within three days	A	94.1%	95.3%	86.9%	92.1%	95.0%	95.0%
2. Percent of requests processed in more than three days	A	5.9%	4.7%	13.1%	7.9%	5.0%	5.0%
3. Percent of frequests submitted timely	A	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
<i>Output Measures</i>							
4. Number of requests received	A	255	236	609	366.67	450	300

Funding

<i>Funding Source</i>	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
State General Fund	\$ -	\$ 3,142	\$ 491	\$ 87,592	\$ 88,856	\$ 89,126
Non-SGF State Funds	-	-	-	-	-	-
Federal Funds	1,753,125	1,440,112	1,148,630	1,055,506	2,281,460	2,286,847
Total	\$ 1,753,125	\$ 1,443,254	\$ 1,149,121	\$ 1,143,098	\$ 2,370,316	\$ 2,375,973

Labor Relations

Consequences of Not Funding this Program

KDOL would not be able to fulfill the statutes governing employment standards and labor relations. Employees would have no outlet for restitution. Hearings would not be conducted

Statutory Basis	Mandatory vs. Discretionary	MOE/Match Rqt.	Priority Level
Specific K.S.A. 75-4321 et seq., K.S.A. 22-5413 et seq.	Mandatory	No	5

Program Goals

A. To continue to administer both the PNA and the PEERA in a timely, effective and unbiased manner consistent with the legislative intent for enacting these laws.

B. To promote harmonious and cooperative employer/employee relationships and enforce laws providing protection to the Kansas work force through due process of administrative proceedings as provided by the following statutes: 1) K.S.A. 44-801 et seq. - Collective Bargaining - Private Sector; 2) K.S.A. 44-818 et seq. - Agricultural Labor Relations Act; 3) K.S.A. 75-4321 et seq. - Public Employer-Employee Relations Act; 4) K.S.A. 22-5413 et seq. - Professional Negotiations Act; 5) K.S.A. 77-501 et seq. - Kansas Administrative Procedure Act

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The law establishing the agency is sections 75-5701 through 75-5740 of Kansas Statutes Annotated. The Department administers the Kansas Employment Security Law, K.S.A. 44-701, et seq.; the Workers Compensation Act, K.S.A. 44-501, et seq.; the Wage Payment Act K.S.A. 44-313, et seq.; Minimum Wage and Maximum Hours Act, K.S.A. 44-1201, et seq.; Child Labor Act, K.S.A. 38-601, et seq.; private employment agencies, K.S.A. 44-401, et seq.; labor relations, K.S.A. 44-801, et seq.; Public Employer-Employee Relations Act, K.S.A. 75-4321, et seq.; Professional Negotiations Act, K.S.A. 72-5413, et seq.; Kansas Amusement Ride Act, K.S.A. 44-1601, et seq.; several statutes concerning inspections and safety at work sites including K.S.A. 44-631, 44-634, 44-636 through 44-638; providing consultation to further 2012 Senate Bill 155; and the human trafficking advisory board, K.S.A. 75-757.

The Department receives a large amount of federal funding, and must comply with federal laws, including Titles III and IX of the Social Security Act and the Federal Unemployment Tax Act (FUTA). The Department also receives federal funds from the Occupational Safety and Health Administration to administer the federal 21(d) workplace safety consultation program and from USDOL to fund certain Bureau of Labor Statistics programs.

The Labor Relations Unit administers Kansas' labor relations statutes, providing a framework for the labor relations activities of public sector employees and employers. These statutes are the Kansas Public Employer-Employee Relations Act (PEERA), found at K.S.A. 75-4321 et seq., and the Kansas Professional Negotiations Act (PNA), at K.S.A. 22-5413 et seq. PNA governs labor relations activities between Kansas' public school teachers and other professional employees in public schools and their employers while PEERA governs labor relations between other state of Kansas public sector employees and their employers, as well as those of local governmental units whose governing bodies opt-in to coverage by PEERA. The Labor Relations Unit conducts unit determination hearings, representation elections, decertification elections and prohibited practice (unfair labor practice) hearings as well as performing a role in the administration of the statutory impasse process, to assist public sector employers and public sector employee bargaining representatives to bring labor contract negotiations concerning public sector employees' terms and conditions of employment to a successful resolution through statutorily-mandated mediation and fact-finding processes.

Performance Measures

Outcome Measures	Goal	FY 2019	FY 2020	FY 2021	3-yr. Avg.	FY 2022	FY 2023
1. Number of days after service of petition to hold mediation conference in all disputed determination cases.	A	45	45	45	45	45	45
2. Number of months after the date of the service of petition to conduct unit determination hearings.	A	3	3	3	3	3	3
3. Percent of unit certification and representation elections held within 45 days of the verification of the showing of interest.	A	100	100	100	100	100	100

Output Measures

4. Number of unit determination, certification and representation cases processed.	B	5	3	11	6.33	12	12
5. Number of unit certification and representation elections conducted.	B	5	3	2	3.33	4	5
6. Hourly cost of claims served	B	\$ 330.16	\$ 476.51	\$ 626.74	\$ 477.80	\$ 784.60	\$ 685.31

Funding

Funding Source	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
State General Fund	\$ 178,112	\$ 198,643	\$ 337,222	\$ 244,018	\$ 344,443	\$ 346,994
Non-SGF State Funds	58,972	88,209	65,336	8,427	5,000	5,000
Federal Funds	-	-	-	-	-	-
Total	\$ 237,084	\$ 286,852	\$ 402,558	\$ 252,445	\$ 349,443	\$ 351,994