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MEMORANDUM

To: Senate Committee on Ways and Means
From: Office of Revisor of Statutes
Date: March 21, 2023
Subject: SB 308; Establishing a state employment preference for persons with disabilities

Senate Bill No. 308 adds three new sections of law known as Kathy's bill relating to hiring and promotion preferences in state employment for persons with a disability and amends K.S.A. 73-201 to expand the veterans preference to include remarried spouses of a deceased veteran and surviving spouses of a prisoner of war regardless of such spouse's marital status.

Section 1 names sections 1 through 3 as Kathy's bill.

Section 2 provides definitions for Kathy's bill, including definitions for disability, major life activities, reasonable accommodation and state government.

Section 3 establishes a state government employment and promotion preference for persons with disabilities if qualified, with or without a reasonable accommodation, to meet the performance standards of the position. State government job notices and applications shall state the position is subject to the disability preference and explain how applicants with disabilities may take advantage of the preference, including information regarding the documentation of a disability that shall be provided and how the process will be used for selection. The state government hiring authority shall offer an interview to a person who has applied for an open position who is qualified, with or without reasonable accommodation, to meet the performance standards of the position and who has presented proof of disability. This section also includes a list of documents allowed as proof of disability.

In any reduction in personnel by the state government, employees who are persons with disabilities shall be retained in preference to all other employees in the same job classification or job title with equal qualifications, seniority, status and performance reviews. A person with a disability has the right not to disclose such person's disability at the time of hire but may not assert a right to a retention preference later unless the disability is disclosed prior to the announcement of a layoff.

Such preference shall not apply to positions that are filled by elected officials or vacancies in such elected offices, personal secretaries of such officers, members of boards or commissions, persons employed on a temporary basis, positions held by patients in state institutions, inmates in the custody of the secretary of corrections, students enrolled at state educational institutions, heads of departments, positions that require licensure as a physician and positions that require the employee to be admitted to practice law in Kansas.

Section 4 amends K.S.A. 73-201 to provide a state government employment preference for the spouse of a veteran who has a service-connected disability of 30% or greater as determined by the U.S. Department of Veterans Affairs or the surviving spouse, whether remarried or not, of a veteran who died as a result of serving in the armed forces or a prisoner of war.

SB 308 contains the same provisions as HB 2253, As Amended by the House Committee on Commerce, Labor and Economic Development. HB 2253 was stricken from the House Calendar pursuant to House Rule 1507 on February 23, 2023.

The bill becomes effective upon the publication in the statute book.