

HOUSE BILL No. 2144

By Committee on Appropriations

1-24

1 AN ACT concerning state employees; relating to classified and
2 unclassified employees; amending K.S.A. 2016 Supp. 75-2935 and
3 repealing the existing section.

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

6 Section 1. K.S.A. 2016 Supp. 75-2935 is hereby amended to read as
7 follows: 75-2935. The civil service of the state of Kansas is hereby divided
8 into the unclassified and the classified services.

9 (1) The unclassified service comprises positions held by state officers
10 or employees who are:

11 (a) Chosen by election or appointment to fill an elective office;

12 (b) members of boards and commissions, heads of departments
13 required by law to be appointed by the governor or by other elective
14 officers, and the executive or administrative heads of offices, departments,
15 divisions and institutions specifically established by law;

16 (c) except as otherwise provided under this section, one personal
17 secretary to each elective officer of this state, and in addition thereto, 10
18 deputies, clerks or employees designated by such elective officer;

19 (d) all employees in the office of the governor;

20 (e) officers and employees of the senate and house of representatives
21 of the legislature and of the legislative coordinating council and all officers
22 and employees of the office of revisor of statutes, of the legislative
23 research department, of the division of legislative administrative services,
24 of the division of post audit and the legislative counsel;

25 (f) chancellor, president, deans, administrative officers, student health
26 service physicians, pharmacists, teaching and research personnel, health
27 care employees and student employees in the institutions under the state
28 board of regents, the executive officer of the board of regents and the
29 executive officer's employees other than clerical employees, and, at the
30 discretion of the state board of regents, directors or administrative officers
31 of departments and divisions of the institution and county extension
32 agents, except that this subsection (1)(f) shall not be construed to include
33 the custodial, clerical or maintenance employees, or any employees
34 performing duties in connection with the business operations of any such
35 institution, except administrative officers and directors; as used in this
36 subsection (1)(f), "health care employees" means employees of the

1 university of Kansas medical center who provide health care services at
2 the university of Kansas medical center and who are medical technicians
3 or technologists or respiratory therapists, who are licensed professional
4 nurses or licensed practical nurses, or who are in job classes which are
5 designated for this purpose by the chancellor of the university of Kansas
6 upon a finding by the chancellor that such designation is required for the
7 university of Kansas medical center to recruit or retain personnel for
8 positions in the designated job classes; and employees of any institution
9 under the state board of regents who are medical technologists;

10 (g) operations, maintenance and security personnel employed to
11 implement agreements entered into by the adjutant general and the federal
12 national guard bureau, and officers and enlisted persons in the national
13 guard and the naval militia;

14 (h) persons engaged in public work for the state but employed by
15 contractors when the performance of such contract is authorized by the
16 legislature or other competent authority;

17 (i) persons temporarily employed or designated by the legislature or
18 by a legislative committee or commission or other competent authority to
19 make or conduct a special inquiry, investigation, examination or
20 installation;

21 (j) officers and employees in the office of the attorney general and
22 special counsel to state departments appointed by the attorney general,
23 except that officers and employees of the division of the Kansas bureau of
24 investigation shall be in the classified or unclassified service as provided
25 in K.S.A. 75-711, and amendments thereto;

26 (k) all employees of courts;

27 (l) client, patient and inmate help in any state facility or institution;

28 (m) all attorneys for boards, commissions and departments;

29 (n) the secretary and assistant secretary of the Kansas state historical
30 society;

31 (o) physician specialists, dentists, dental hygienists, pharmacists,
32 medical technologists and long term care workers employed by the Kansas
33 department for aging and disability services;

34 (p) physician specialists, dentists and medical technologists employed
35 by any board, commission or department or by any institution under the
36 jurisdiction thereof;

37 (q) student employees enrolled in public institutions of higher
38 learning;

39 (r) administrative officers, directors and teaching personnel of the
40 state board of education and the state department of education and of any
41 institution under the supervision and control of the state board of
42 education, except that this subsection (1)(r) shall not be construed to
43 include the custodial, clerical or maintenance employees, or any

- 1 employees performing duties in connection with the business operations of
- 2 any such institution, except administrative officers and directors;
- 3 (s) all officers and employees in the office of the secretary of state;
- 4 (t) one personal secretary and one special assistant to the following:
- 5 The secretary of administration, the secretary for aging and disability
- 6 services, the secretary of agriculture, the secretary of commerce, the
- 7 secretary of corrections, the secretary of health and environment, the
- 8 superintendent of the Kansas highway patrol, the secretary of labor, the
- 9 secretary of revenue, the secretary for children and families, the secretary
- 10 of transportation; *and* the secretary of wildlife, parks and tourism ~~and the~~
- 11 ~~commissioner of juvenile justice;~~
- 12 (u) one personal secretary and one special assistant to the chancellor
- 13 and presidents of institutions under the state board of regents;
- 14 (v) one personal secretary and one special assistant to the executive
- 15 vice chancellor of the university of Kansas medical center;
- 16 (w) one public information officer and one chief attorney for the
- 17 following: The department of administration, the Kansas department for
- 18 aging and disability services, the department of agriculture, the department
- 19 of commerce, the department of corrections, the department of health and
- 20 environment, the department of labor, the department of revenue, the
- 21 Kansas department for children and families, the department of
- 22 transportation; *and* the Kansas department of wildlife, parks and tourism
- 23 ~~and the commissioner of juvenile justice;~~
- 24 (x) if designated by the appointing authority, persons in newly hired
- 25 positions, including any employee who is rehired into such position and
- 26 any current state employee who voluntarily transfers into, or is voluntarily
- 27 promoted or demoted into such position, on and after July 1, 2015, in any
- 28 state agency;
- 29 (y) one executive director, one general counsel and one director of
- 30 public affairs and consumer protection in the office of the state corporation
- 31 commission;
- 32 (z) specifically designated by law as being in the unclassified service;
- 33 (aa) any position that is classified as a position in the information
- 34 resource manager job class series, that is the chief position responsible for
- 35 all information resources management for a state agency, and that becomes
- 36 vacant on or after the effective date of this act. Nothing in this section shall
- 37 affect the classified status of any employee in the classified service who is
- 38 employed on the date immediately preceding the effective date of this act
- 39 in any position that is a classified position in the information resource
- 40 manager job class series and the unclassified status as prescribed by this
- 41 subsection shall apply only to a person appointed to any such position on
- 42 or after the effective date of this act that is the chief position responsible
- 43 for all information resources management for a state agency;

1 (bb) positions at state institutions of higher education that have been
2 converted to unclassified positions pursuant to K.S.A. 2016 Supp. 76-
3 715a, and amendments thereto; and

4 (cc) notwithstanding the provisions of K.S.A. 22-4524, 32-802, 44-
5 510g, 44-551, 44-552, 48-205, 48-919, 49-402e, 58-4105, 58-4503, 65-
6 2878, 65-6103, 73-1210a, 73-1234, 74-515b, 74-561, 74-569, 74-631, 74-
7 1106, 74-1704, 74-1806, 74-2435, 74-2614, 74-2702, 74-2906a, 74-5014,
8 74-5210, 74-6707, 74-6901, 74-6904, 74-7008, 74-7501, 74-8704, 74-
9 8805, 74-9804, 75-118, 75-1202d, 75-2537, 75-2944, 75-3148, 75-3702c,
10 75-4222, 75-5005, 75-5015, 75-5016, 75-5122, 75-5157, 75-5309, 75-
11 5310, 75-5378, 75-5610, 75-5702, 75-5708, 75-5733, 75-5910, 75-7028,
12 75-7054, 75-7304, 76-1002a, 76-1116, 76-12a04, 76-12a05, 76-12a08, 76-
13 12a16, 76-3202 and 82a-1205 and K.S.A. 2016 Supp. 39-1911, and
14 amendments thereto, any vacant position within the classified service may
15 be converted by the appointing authority to an unclassified position.

16 (2) The classified service comprises all positions now existing or
17 hereafter created which are not included in the unclassified service.
18 Appointments in the classified service shall be made according to merit
19 and fitness from eligible pools which so far as practicable shall be
20 competitive. No person shall be appointed, promoted, reduced or
21 discharged as an officer, clerk, employee or laborer in the classified
22 service in any manner or by any means other than those prescribed in the
23 Kansas civil service act and the rules adopted in accordance therewith.

24 (3) For positions involving unskilled, or semiskilled duties, the
25 secretary of administration, as provided by law, shall establish rules and
26 regulations concerning certifications, appointments, layoffs and
27 reemployment which may be different from the rules and regulations
28 established concerning these processes for other positions in the classified
29 service.

30 (4) Officers authorized by law to make appointments to positions in
31 the unclassified service, and appointing officers of departments or
32 institutions whose employees are exempt from the provisions of the
33 Kansas civil service act because of the constitutional status of such
34 departments or institutions shall be permitted to make appointments from
35 appropriate pools of eligibles maintained by the division of personnel
36 services.

37 (5) On and after ~~the effective date of this act~~ *July 1, 2015*, any state
38 agency that has positions in the classified service within the Kansas civil
39 service act to satisfy any requirement of maintaining personnel standards
40 on a merit basis pursuant to federal law or the rules and regulations
41 promulgated thereunder by the federal government or any agency thereof,
42 shall adopt a binding statement of agency policy pursuant to K.S.A. 77-
43 415, and amendments thereto, to satisfy such requirements if the

1 appointing authority has made any such position unclassified.

2 (6) *On and after January 1, 2017, if a state employee in the classified*
3 *service voluntarily transfers into, or is voluntarily promoted or demoted*
4 *into a position in the unclassified service, such employee shall not be*
5 *eligible to be rehired or transferred to a position in the classified service*
6 *within the same state agency.*

7 Sec. 2. K.S.A. 2016 Supp. 75-2935 is hereby repealed.

8 Sec. 3. This act shall take effect and be in force from and after its
9 publication in the Kansas register.