

SENATE BILL No. 243

By Committee on Ways and Means

2-17

1 AN ACT concerning the state civil service board; transferred from the
2 department of administration to the office of administrative hearings;
3 amending K.S.A. 75-2929b, 75-2929g and 75-3746 and K.S.A. 2014
4 Supp. 75-2929d and repealing the existing sections.
5

6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 75-2929b is hereby amended to read as follows: 75-
8 2929b. (a) The board shall be attached to the ~~department of administration~~
9 *office of administrative hearings* and shall be within the ~~department office~~
10 *of administrative hearings* as a part thereof. All budgeting, purchasing and
11 related management functions of the board shall be administered under the
12 direction and supervision of the ~~secretary of administration~~ *director of*
13 *administrative hearings*. All vouchers for expenditures and all payrolls of
14 the board shall be approved by the chairperson of the board or a person or
15 persons designated by such chairperson and the ~~secretary of administration~~
16 *director of administrative hearings* or a person or persons designated by
17 such ~~secretary~~ *director*.

18 (b) The board shall organize annually by electing one of its members
19 as chairperson and one as vice-chairperson. The board shall meet regularly
20 at least once each calendar quarter and special meetings may be called by
21 the chairperson or by a majority of the board. A quorum of the board shall
22 consist of three members. No action may be taken by the board without the
23 affirmative vote of at least three members. In the holding of hearings of
24 appeals by employees or appointing authorities pursuant to the Kansas
25 civil service act, the board may delegate to one or more of its members the
26 authority to serve as a hearing examiner for such a hearing, but action
27 upon any such appeal shall require the concurrence of at least three
28 members of the board.

29 (c) Meetings of the board shall be open to the public and no meeting
30 or hearing of the board shall be held unless at least three members of the
31 board are present. The director of ~~personnel services~~ *administrative*
32 *hearings* shall act as secretary of the board or may designate a person to
33 serve as the secretary of the board. The board shall keep records and
34 minutes of its business and official actions, and such records and minutes
35 shall be public records open to public inspection, subject to rules and
36 regulations specifying the hours and conditions of inspection. *The director*

1 *of administrative hearings shall be the legal custodian of such records and*
2 *shall have the duty to store and maintain such records in order to carry*
3 *out the official business of the board and respond to inquiries regarding*
4 *the business and official actions of the board.*

5 (d) Each member of the state civil service board attending meetings
6 of such board, attending a subcommittee meeting ~~thereof~~ authorized by
7 such board, or serving as hearing examiner at a hearing under the Kansas
8 civil service act shall be paid per diem compensation of \$70 and shall be
9 paid subsistence allowances, mileage and other expenses as provided in
10 K.S.A. 75-3223, and amendments thereto. In addition, each member, who
11 resides more than 100 miles from the location of an authorized meeting or
12 hearing, shall receive per diem compensation of \$35 for each day in travel
13 to or from such meeting or hearing if such travel is on a day other than the
14 day or days of such meeting or hearing.

15 Sec. 2. K.S.A. 2014 Supp. 75-2929d is hereby amended to read as
16 follows: 75-2929d. (a) The state civil service board shall hear appeals
17 taken to it pursuant to: (1) K.S.A. 75-2940, 75-2949 and 75-3747, and
18 amendments thereto, concerning demotion, dismissal or suspension of a
19 permanent employee in the classified service, or concerning refusal to
20 examine an applicant or to certify a person as eligible for a job class;; and
21 (2) K.S.A. 75-2973, and amendments thereto, concerning disciplinary
22 action in violation of that statute.

23 (b) When an appeal is taken to the board, the board shall establish a
24 time and a place for the hearing which shall be held within 45 days after
25 receipt of request for the appeal. The board shall notify the person bringing
26 the appeal and the appointing authority or other person whose action is
27 being reviewed of the time and the place of the hearing at least 14 days
28 prior to such hearing. Each party at the hearing shall have the right to be
29 represented by a person of the party's own choice. Hearings shall be
30 conducted in accordance with the provisions of the Kansas administrative
31 procedure act. For purposes of the administrative procedure act, the state
32 civil service board shall be deemed the agency head. The board may
33 affirm, modify or reverse an agency action and order any other action it
34 deems appropriate.

35 (c) The board, or the director of ~~personnel services~~ *administrative*
36 *hearings* when authorized by majority vote of the board, may depose
37 witnesses. Either party to a hearing may depose witnesses in accordance
38 with the Kansas administrative procedure act. If books and papers are
39 required to be produced in advance of a hearing date, the person or agency
40 producing the books and papers shall be entitled to receive reasonable
41 compensation to recover all costs of such production from the person or
42 agency for which they are produced. The board, any presiding officer or
43 the director *of administrative hearings* may examine such public records

1 as may be required in relation to any matter which the board has authority
2 to investigate.

3 (d) Each person not in the classified or unclassified service who
4 appears before the board or the director of *administrative hearings* by
5 order shall receive for such person's attendance the fees and mileage
6 provided for witnesses in civil actions in the district court. Such fees and
7 mileage shall be audited and paid by the state upon presentation of proper
8 vouchers. Each witness subpoenaed at the request of parties other than the
9 board or the director of *administrative hearings* shall be entitled to
10 compensation from the state for attendance or travel only if the board
11 certifies that the testimony of such witness was relevant and material to the
12 matter investigated or, if such witness is not called to testify, the board
13 determines and certifies that such compensation should be paid.

14 Sec. 3. K.S.A. 75-2929g is hereby amended to read as follows: 75-
15 2929g. The secretary of administration, upon recommendation of the
16 director of ~~personnel services~~ *administrative hearings* and the board, may
17 adopt rules and regulations as provided in K.S.A. 75-3706, and
18 amendments thereto, to carry out the provisions of K.S.A. 75-2929d to 75-
19 2929g, ~~inclusive~~, and 75-2949d to 75-2949f, ~~inclusive~~, and amendments
20 thereto.

21 Sec. 4. K.S.A. 75-3746 is hereby amended to read as follows: 75-
22 3746. The director of personnel services shall:

23 (a) Require the development of effective personnel administration
24 within all agencies in the state and make available the facilities of the
25 division of personnel services to this end.

26 (b) Keep in the office of the division of personnel services an official
27 roster of the state civil service showing the employment history of each
28 and every person who has been appointed to, employed, promoted,
29 reduced or reinstated in any position in such service. The director of
30 personnel services shall have access to all public records and papers, the
31 examination of which will aid in the discharge of the director's duty in
32 connection with this roster.

33 (c) Prepare, in accordance with the provisions of the Kansas civil
34 service act and rules and regulations adopted thereunder as provided in
35 K.S.A. 75-3706, and amendments thereto, examinations, eligible lists and
36 ratings of candidates for appointment.

37 (d) Make certification for appointment within the classified service,
38 in accordance with the provisions of the Kansas civil service act.

39 (e) Make investigations concerning all matters touching the
40 enforcement and effect of the provisions of the Kansas civil service act and
41 rules and regulations adopted thereunder as provided in K.S.A. 75-3706,
42 and amendments thereto.

43 (f) Make an annual report to the secretary of administration, the

1 legislature and the governor regarding the activities of the division.

2 ~~(g) Attend or designate a representative to attend all meetings of the~~
3 ~~state civil service board.~~

4 ~~(h)~~ Prepare and recommend to the secretary of administration rules
5 and regulations suitable for adoption as provided in K.S.A. 75-3706, and
6 amendments thereto, for the purpose of carrying out the provisions of the
7 Kansas civil service act. Such rules and regulations shall provide, among
8 other things, for current records of efficiency for methods of regular
9 distribution of communication materials; the manner of completing
10 appointments and promotions; the rejection of eligible candidates;
11 competitive examinations; creation of eligible lists with successful
12 candidates ranked according to their rating in the examinations; leave of
13 absence with and without pay; transfers, reinstatements, layoffs, vacations
14 and public notice of examinations; procedure for changes in rates of pay;
15 hours of work and other conditions of employment; the establishment of
16 programs, including trainee programs, designed to attract and utilize
17 persons with limited qualifications, but with potential for development, in
18 order to provide career development opportunities; establishment of a plan
19 for resolving employee grievances and complaints; development and
20 operation of programs to improve work effectiveness, including
21 orientation, on-the-job training, supervisory training, managerial
22 development, safety, fringe benefit counseling and employee relations; and
23 the establishment of policies regarding manpower allocation and control.

24 ~~(h)~~ Conduct regular planned assistance visits from the division of
25 personnel services to review personnel practices of agencies and identify
26 agency needs.

27 ~~(i)~~ Administer the Kansas civil service act.

28 Sec. 5. K.S.A. 75-2929b, 75-2929g and 75-3746 and K.S.A. 2014
29 Supp. 75-2929d are hereby repealed.

30 Sec. 6. This act shall take effect and be in force from and after July 1,
31 2016, its publication in the statute book.