

SESSION OF 2021

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2443

As Amended by House Committee on
Commerce, Labor and Economic Development

Brief*

HB 2443, as amended, would enact Kathy's Law, creating a statutory preference for persons with disabilities in hiring and retention practices for certain state government jobs. For the purposes of the bill, "state government" would not include the judicial or legislative branches nor political subdivisions of the state.

The bill would provide that persons with disabilities, as defined by the bill, be given preference for hiring in state government positions, provided that they meet the qualifications of the position. For the purposes of the bill, meeting the qualifications of a position would be specified as not depending on the need for reasonable accommodation, as defined by the bill.

The bill would require hiring authorities for such positions to offer an interview to persons with disabilities who meet the qualifications of the position. If a situation occurs in which a disabled veteran applies for the same position, preference would go to the individual with the highest qualifications.

Disabled persons, when applying to such a position, would be required to provide documentation of their disability by submitting a copy of:

- Their Supplemental Security Income or Social Security Disability Insurance determination letter;

*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>

- Their Home and Community Based Services waiver approval letter; or
- A letter from a managed care organization, qualified medical professional, or vocational rehabilitation counselor.

The bill would require the notice and application form for state government job openings to provide an explanation of the preference and the information required by the applicant for the documentation of a disability.

The bill would also provide that persons with disabilities would be given preference for retention in any reductions in state government personnel, with respect to employees who are equally situated in terms of position, qualifications, and performance.

The bill would specify that persons with disabilities have the right not to disclose their disability at the time of hire, but would not be able to assert the right to preference for retention unless the disability is disclosed in the manner required by the bill prior to the announcement of a reduction of personnel. Disclosure of a disability to a human resources office would be required to remain confidential until required for provision of reasonable accommodation or for emergency preparedness planning.

The bill would specify that its provisions would not apply to elected officials or their personal secretaries; members of boards or commissions; temporary employees; positions held by patients, inmates, or students in state institutions; or positions requiring credentials to practice as a physician or to practice law in Kansas.

Background

The bill was introduced by Representative Tarwater.

[*Note:* The bill, as introduced, contains provisions identical to those of 2020 HB 2701, as introduced.]

House Committee on Commerce, Labor and Economic Development

In the House Committee hearing, no oral testimony was provided.

Written-only **proponent** testimony was provided by representatives of the Disability Rights Center of Kansas, the Kansas Commission for the Deaf and Hard of Hearing, the Kansas Commission on Disability Concerns, the Kansas Department of Administration, and the Self Advocate Coalition of Kansas. Proponents noted the bill would help remove barriers to opportunity for persons with disabilities, improve employment outcomes for such individuals, and help to reduce reliance on government programs.

No other testimony was provided.

The House Committee amended the bill to name it Kathy's Law.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill as introduced, the Department of Administration indicates enactment of the bill would not have a fiscal effect on Executive Branch state agencies. The fiscal note indicates the bill would only apply to the Executive Branch.

Employment; state government; hiring preferences; persons with disabilities